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THE WORKS

OF

JAMES ABRAM GARFIELD

VOL. I.

Jas. Garfield

THE WORKS

OF

JAMES ABRAM GARFIELD

EDITED BY

BURKE A. HINSDALE

PRESIDENT OF HIRAM COLLEGE

VOL. I.

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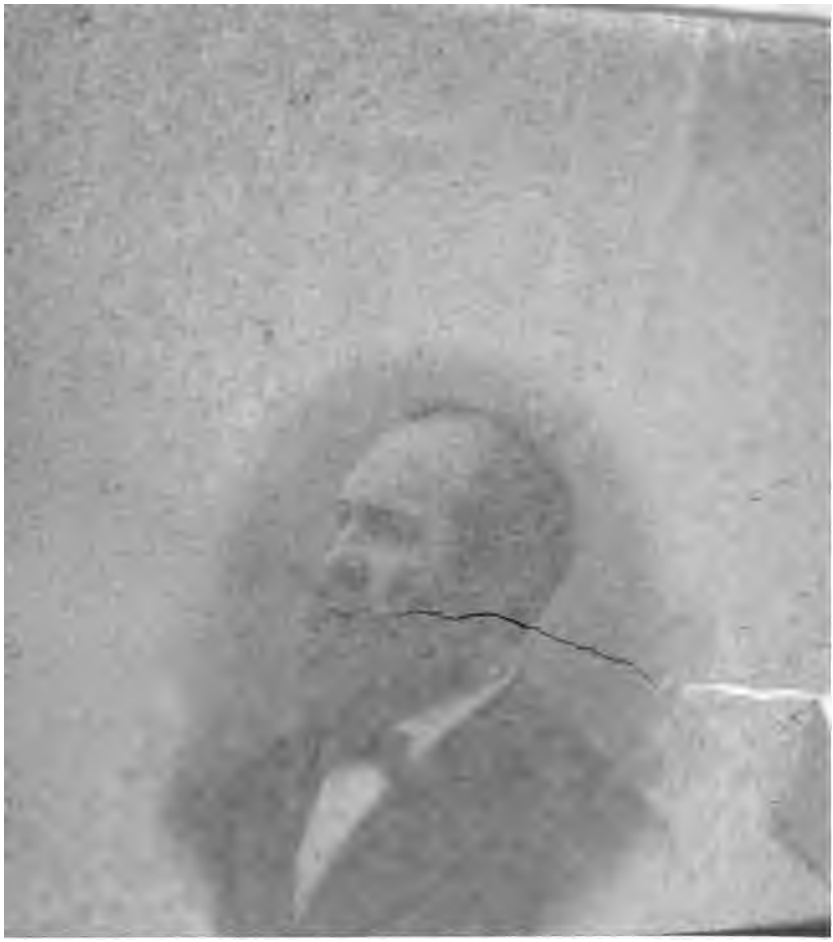

THE WORKS

OF

ıMES ABRAM GARFIELD

EDITED BY

BURKE A. HINSDALE

PRESIDENT OF HIRAM COLLEGE

VOL. I.

BOSTON

JAMES R. OSGOOD AND COMPANY

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1882

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Inter folia fructus.

PREFACE.

FOR several years President Garfield had looked forward to a time when he would be able to revise and publish such of his speeches and writings as he deemed worthy of a place in American literature. It was a purpose that lay near his heart. What he would have selected for publication, and how far he would have carried revision, can now be only matters of speculation. His untimely death, which defeated so many other plans and dashed so many other hopes, prevented the realization of this fond anticipation, and, through the partiality of Mrs. Garfield, devolved the editorship of his works upon me. An account of the manner in which I have discharged the trust seems called for.

The works were to be limited to matter that had been published in its author's lifetime. All letters, manuscripts, etc. were reserved for future use. As to the handling of this material, it should be said, first of all, that no editor could have the same rights and powers over it that belonged to him who produced it. Equally obvious are the principles that should govern the selection of material to be used. Everything of real value that deals with questions of permanent interest, everything that is a material part of the history of the times, and everything

that has a considerable personal interest flowing from its author, as illustrating the man, should obviously be included in the authorized edition of his Works. It has seemed best not to draw upon such material as exists produced before 1863, but to leave that to the biographer, and to begin these Works with Mr. Garfield's entry into Congress. Accordingly these two volumes are made up wholly of matter which, in some form, has already been given to the public. They do not by any means contain everything that President Garfield said and wrote which has been published; but they give a full measure both of the quantity and quality of his published thought. All of his utterances had life in them; but it is believed that everything, or nearly everything, is here presented, the value and interest of which entitle it to admission to the popular edition of his works. If anything has been omitted that should have been included, it is owing either to the editor's having overlooked it, or to a false judgment of its value.

The larger number of these speeches, addresses, and papers, making due allowance for needed verbal corrections, appear as they came from their author's hand. From some of them portions have been omitted, since they would but load down the work. These portions may be divided into two classes; namely, passages that were of merely local or temporary interest, and passages that contain what has been as well or better said in some other place. Perhaps some critics will say that the rule of exclusion, under both these heads, might have been carried further with advantage. The following remarks will, therefore, be pertinent.

First. More or less matter has been retained that is not now and will never again be of immediate practical

utility. If this is not true of whole compositions, it certainly is of parts of compositions. Some of the statistical tables, and the analyses of national expenditures found in the speeches on Appropriations, may be instanced. But this matter should obviously be retained; first, because it is a part of the history of the times; and secondly, because it is part of the history of President Garfield's mind and work, and will well illustrate his mental habit and method of discussion.

Second. It has been found impossible wholly to prevent repetition and overlapping. Mr. Garfield was eminently a didactic statesman. He was a teacher both of the National Legislature and of the public. He discussed the same subject in many different places and at many different times. He often discussed the same subject — as Resumption of Specie Payments, and the Tariff — in the House of Representatives, and before popular assemblies. Naturally, therefore, perhaps it may be said necessarily, his speeches and writings contain frequent repetitions, not only of facts and arguments, but also of diction and illustration. The widest as well as the most frequent overlapping is found in his Congressional speeches and popular addresses on political subjects which were delivered at about the same time. In these volumes, notwithstanding a constant effort to reduce repetition to a minimum, repetitions will still be found. Touching these it may be said that they could not be omitted without impairing the integrity of the composition, or weakening the force of the related parts of the speech or paper. The reader will not, however, weary of these passages. He will find the same subject coming up for discussion again and again; but he will find that, even upon those subjects which President

Garfield discussed most frequently and fully, the matter is almost always new and the diction fresh. And even when he finds facts, arguments, or quotations that he has met before, he will find them in new combinations and answering new purposes.

Some readers may perhaps say that the historical illustration of the text, at least in some cases, is excessive. Such readers should remember, first, that the works of our older statesmen have often suffered from lack of such illustration; secondly, that the subjects with which President Garfield dealt, particularly in the early part of his public life, are rapidly receding; and, thirdly, that no adequate life of him has yet appeared, or is likely to appear for some time to come. Concerning the second of these points, — the rapidity with which events in our age pass into history, — a few words may well be spoken. As long ago as February, 1876, he himself touched one phase of this subject. "More than a million votes," said he, "will be cast at the next Presidential election by men who were schoolboys in their primers when the great financial measures of 1862 were adopted; and they do not realize how fast or how far the public mind has drifted. The logbook of this extraordinary voyage cannot be read too often." In fact, it is not extravagant to say that there are hundreds of thousands of young Americans to-day who know no more of the events of 1862 than they do of the events of 1776, if indeed they know so much. If the historical commentary is too full for some readers, it is not for others; and for none will it be too full in the next generation.

Much labor has been bestowed upon the quotations, both to verify them, and to give the appropriate refer-

ences. Occasionally the matter quoted was ephemeral, and search for the original was profitless; but in all other cases no reasonable effort has been spared to track the quotation to its source. When it is considered that the author's literary habits were rather those of a public man than of a man of letters, and when it is remembered that his speeches were often prepared and delivered under great stress both of time and labor, it will not appear strange that in many cases he has left no references to the originals he has quoted, and that they cannot readily be found.

The question of arrangement has been carefully considered. This question was, Shall the topical or the chronological method be followed? Each course had great and obvious advantages. Finally, however, the chronological order, with departures few and slight, was adopted, as doing best justice both to the history of the author's mind and to the history of the country. Those who wish to study his utterances upon special subjects *in group* can, with the aid of the Contents and the Index, readily group them for themselves.

The pamphlet editions of speeches and addresses have been followed in all cases, where such editions exist, to the exclusion of the reports found in newspapers, and in the Congressional Globe and Record.

The thanks of both Mrs. Garfield and the editor are tendered to Messrs. Houghton, Mifflin, & Co., publishers of the Atlantic Monthly, to Mr. A. T. Rice, publisher of the North American Review, and to A. J. Johnson & Co., publishers of Johnson's New Universal Cyclopædia, for their permission, so courteously granted, to include in these works the articles credited to their respective publications.

It has been stated, or at least implied, above, that everything heretofore published that has real value has been included in these Works. One exception should be made. There is a series of Minor Speeches, eminently characteristic of their author, most of them delivered between his nomination by the Chicago Convention and his inauguration as President, which are well worthy of collection and publication, but which can hardly be admitted, with propriety, to his Works. These have been carefully prepared for publication by Col. A. F. Rockwell, of the United States army, and they will shortly appear in a worthy form, from the press of the Century Company.

The preceding explanation made, I now ask leave to transcribe some words of characterization spoken by the Hon. James G. Blaine before the House of Representatives and the Senate, in the hall of the House, February 27, 1882, and then to add some remarks of my own.

"As a parliamentary orator, as a debater on an issue squarely joined, where the position had been chosen and the ground laid out, Garfield must be assigned a very high rank. More, perhaps, than any man with whom he was associated in public life, he gave careful and systematic study to public questions, and he came to every discussion in which he took part with elaborate and complete preparation. He was a steady and indefatigable worker. Those who imagine that talent or genius can supply the place or achieve the results of labor will find no encouragement in Garfield's life. In preliminary work he was apt, rapid, and skilful. He possessed in a high degree the power of readily absorbing ideas and facts, and, like Dr. Johnson, had the art of getting from a book all that was of value in it by a reading apparently so quick and cursory that it seemed like a mere glance at the table of contents. He was a pre-eminently fair and candid man in debate, took no petty advantage, stooped to no unworthy methods, avoided personal allusions, rarely appealed to prejudice, did not seek to inflame passion. He had

a quicker eye for the strong point of his adversary than for his weak point, and on his own side he so marshalled his weighty arguments as to make his hearers forget any possible lack in the complete strength of his position. He had a habit of stating his opponent's side with such amplitude of fairness and such liberality of concession, that his followers often complained that he was giving his case away. But never in his prolonged participation in the proceedings of the House did he give his case away, or fail, in the judgment of competent and impartial listeners, to gain the mastery. . . . .

"Those unfamiliar with Garfield's industry, and ignorant of the details of his work, may, in some degree, measure them by the annals of Congress. No one of the generation of public men to which he belonged has contributed so much that will be valuable for future reference. His speeches are numerous, many of them brilliant, all of them well studied, carefully phrased, and exhaustive of the subject under consideration. Collected from the scattered pages of ninety royal octavo volumes of Congressional Records, they would present an invaluable compendium of the political history of the most important era through which the national government has ever passed. When the history of this period shall be impartially written, when war legislation, measures of reconstruction, protection of human rights, amendments to the Constitution, maintenance of public credit, steps towards specie resumption, true theories of revenue, may be reviewed, unsurrounded by prejudice and disconnected from partisanism, the speeches of Garfield will be estimated at their true value, and will be found to comprise a vast magazine of fact and argument, of clear analysis and sound conclusion. Indeed, if no other authority were accessible, his speeches in the House of Representatives from December, 1863, to June, 1880, would give a well-connected history and complete defence of the important legislation of the seventeen eventful years that constitute his parliamentary life. Far beyond that, his speeches would be found to forecast many great measures yet to be completed, — measures which he knew were beyond the public opinion of the hour, but which he confidently believed would secure popular approval within the period of his own lifetime, and by the aid of his own efforts." [1]

[1] Eulogy on James Abram Garfield, (Boston, James R. Osgood & Co.,) pp. 28–30, and 35–37.

President Garfield's national political life began with his entry into the House of Representatives, December 7, 1863, when he was thirty-two years old. It will heighten one's appreciation of these volumes, and give weight to the words of Mr. Blaine just quoted, to take a view of his mental equipment for a legislator, and of some of the larger conditions under which these Works were produced.

He graduated at the age of twenty-five, with so much of general training and culture, and more of general reading, than was implied by a first honor in a Massachusetts college in 1856. He continued a constant and general reader to the end of his life. From 1856 to 1861 he was a laborious teacher in an academical school. His experience there — not now referring to the administrative but to the strictly didactic function — was of great value to him in his public life. His admirable power of rhetorical exposition, both as a forensic and as a popular orator, in so far as it was the result of art, is largely traceable to his teacher experience. During the same years he was in constant practice as a public speaker on a great variety of subjects, — education, science, literature, politics, and religion, — and this practice was of equal service. He read law with a fellow-teacher at Hiram, and was admitted to the Ohio bar in 1861. In 1860 and 1861 he served a term in the Ohio Senate, and, although the youngest, he was one of the most active and influential members on the floor. One or two short speeches made in the Senate, which have been preserved, and a larger number of committee reports written by him, show that the Ohio Senator needed but growth and maturity to become the national Representative. In the college literary society he had given much

attention to parliamentary law; he improved the opportunity that the Senate gave to add to his knowledge, both theoretical and practical; so that he entered the House of Representatives a good general parliamentarian.

Edward Gibbon, while bemoaning his service in the Hampshire militia, said it was of much service to him in composing his History of the Decline and Fall of the Roman Empire.[1] Much more was President Garfield's service as a soldier of value to him as a legislator and statesman. It made him thoroughly acquainted with the organization and needs of the army, and with the whole military side of the Rebellion. It caused him to reflect the more deeply upon its political side, and to revolve more carefully in his mind the whole question of reconstruction. More than this, his military service added very greatly to his knowledge of men and of public business, and thereby much increased his mental and moral equipment for his civil career. Collateral questions growing out of the war also engaged his attention somewhat: thus, in his paper entitled "The Currency Conflict," he speaks of studying finance with Secretary Chase in the autumn of 1862 (while he was in Washington awaiting orders, and serving on a court-martial).

The only specific political question of the first magnitude that he had mastered before the war mutterings were heard, had become obsolete when he entered Congress. "Slavery in the Territories" was the great question that the Republican party pressed upon the

[1] "The discipline and evolutions of a modern battalion gave me a clearer notion of the phalanx and the legion; and the captain of the Hampshire Grenadiers (the reader may smile) has not been useless to the historian of the Roman Empire." — *Memoirs, etc.*

intellect and the conscience of the nation, from its organization in 1854 to its triumph in the Presidential election of 1860. "What is the constitutional authority of Congress over the domestic institutions of a Territory?" was a question to be answered partly in view of the nature and scope of the national Constitution, and partly in view of the legislative precedents from 1787 onwards. This was an interesting and vivifying line of study and discussion. Parallel with it ran the slavery question as a whole; for, although the Republican party denied to themselves any right or purpose to interfere with slavery in the States, Republican orators and writers did not confine themselves, in discussion, to "Slavery in the Territories," but dwelt also upon the economical, political, and moral features of slavery itself. Before the year 1860, although following other pursuits than politics, Mr. Garfield had possessed himself of all the points in that line of discussion,—the Ordinance of 1787, the Missouri Compromise of 1820, the Wilmot Proviso of 1846, the Kansas-Nebraska Act of 1854, the Dred Scott Decision of 1857, "Squatter Sovereignty," together with the points of inferior interest. He was a full master of the Republican argument, and had stated it many times over with much power and eloquence. The Republican party applied its cherished principle to the Territories in the act of June 19, 1862, and then only slavery in the States remained to be dealt with.

Republican opposition to slavery before 1860, as announced in platforms, was an assertion of the right and duty of Congress to prohibit its spread. This assertion the Democratic party opposed, at first on old-fashioned State Rights grounds; but afterwards the party divided into those who asserted that the Constitution of its own

force carried slavery into the Territories, that Congress had nothing to do with it, and that the people of the Territory even could not prohibit it until they came to form a State government, and those who asserted that the whole question was left to the people of the Territory, and that they could prohibit it either by a law of their local legislature or in the constitution of their State government (which was the "Squatter Sovereignty" doctrine of Mr. Douglas). The contest was, therefore, a revival, in a new form, of the old contest of national and local powers. Many Republicans of that day had been brought up in the Democratic party, but *the* original and the only original Republican doctrine readily assimilated with what are called "national views" of the Federal government. As a matter of course the war gave the party a strong impulse in the same direction. How different the spirit and the course of the party would have been had there been no war, is a curious subject of speculation. Here it suffices to say that Mr. Garfield's political training up to 1861, as well as the native cast of his mind, gave him a predisposition in favor of Nationalism, and this predisposition the Rebellion greatly strengthened.

The Southern threat of Secession, which so long hung over the country, was not seriously regarded by Republicans until the winter of 1860–61. They did not believe there was going to be a war until war began; and then their most philosophical statesman, Mr. Seward, said it would be over in ninety days. But just so soon as the Southern demonstrations following the election of President Lincoln began to impress the North, — and still more as time wore on and words gave way to blows, — the whole Northern people, and especially Republicans,

fell to studying the origin, history, and nature of our national institutions, just as the American Colonists on the verge of the Revolution, according to Edmund Burke, fell to reading Blackstone's Commentaries and other books of law.[1] "How did the Union originate?" "What is the history of the Constitution?" "What is the nature of the Federal bond?" at once became common questions of absorbing interest. It was not sufficient to oppose physical resistance to Secession; it must be shown that Secession had no support in either constitutional or natural law. Now all patriotic men began to cast about for the real elements of strength in the National Constitution, and for the lessons for the hour which real statesmen had taught. Mr. Garfield shared in this impulse to the full, and was at once led into the middle of a field of political reading and thought which before he had barely touched.

For more than a half-century the country had been moving steadily in one direction. Lord Macaulay wrote to an American in 1857, "There can, I apprehend, be no doubt that your institutions have, during the whole of the nineteenth century, been constantly becoming more Jeffersonian and less Washingtonian."[2] "It is surely strange," he added, "that, while this process has been going on, Washington should have been exalted into a god, and Jefferson degraded into a demon." The English lord seems to have understood that Jefferson was

[1] "I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. The Colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England."—Speech on Conciliation with America, March 22, 1775.

[2] Letter to H. S. Randall, Esq., dated Holly Lodge, Kensington, January 18, 1857. See Appendix to Harper's edition of Trevelyan's "Life and Letters of Lord Macaulay."

the foil to Washington. Indeed, he says his American correspondent intimated as much to him. But an intelligent American need not be told that Jefferson was rather the foil to Alexander Hamilton. Jefferson believed in democracy and in a confederation; Hamilton favored class influence and representation, but beyond any man of his time grasped and set forth the idea of Nationalism. It was in the very beginning of the war that the people of the North, as never before, came to appreciate the fact stated by Guizot: "Hamilton must be classed among the men who have best known the vital principles and fundamental conditions of a government. . . . . There is not in the Constitution of the United States an element of order, of force, of duration, which he has not powerfully contributed to introduce into it, and to cause to predominate." In the year 1880, Mr. Garfield thus spoke of Hamilton: —

"I cannot look upon this great assemblage, and these old veterans that have marched past us, and listen to the words of welcome from our comrade who has just spoken, without remembering how great a thing it is to live in this Union and be a part of it. This is New York; and yonder toward the Battery, more than a hundred years ago, a young student of Columbia College was arguing the ideas of the American Revolution and American Union against the un-American loyalty to monarchy of his college president and professors. By and by he went into the patriot army, was placed on the staff of Washington, to fight the battles of his country, and while in camp, before he was twenty-one years old, upon a drum-head he wrote a letter which contained every germ of the Constitution of the United States. That student, soldier, statesman, and great leader of thought, Alexander Hamilton, of New York, made this Republic glorious by his thinking, and left his lasting impress upon this the foremost State of the Union. And here on this island, the scene of his early triumphs, we gather to-night, soldiers of the new war, representing the same ideas of union,

having added strength and glory to the monument reared by the heroes of the Revolution." [1]

Mr. Henry Cabot Lodge says the ideas which Jefferson and Hamilton embodied have, in their conflicts, made up the history of the United States. The democratic principles of the one and the national principles of the other have prevailed, and have sway to-day throughout the length and breadth of the land. "But if we go a step further," he says, "we find that the great Federalist has the advantage. The democratic system of Jefferson is administered in the form and on the principles of Hamilton." [2] This is propounded as the point towards which American political thought tends, — Democracy and Nationalism. The expression well describes Mr. Garfield's own habit of political thought. He had no sympathy with Hamilton's aristocratical principles; he was as pure a democrat as Jefferson himself; but he wanted the democratic system administered in the form and on the principles of Nationalism. The thoughts of Hamilton had great influence upon his mind and work. His eye never wandered from the pole-star of nationality. He loved Ohio, but he loved the Union more. As he put it, he rendered allegiance to Washington, not by the way of Columbus, but in an air line. His country, its union, its greatness, its purity, its honor, its flag, was with him an absorbing passion, — as much so as with Hamilton himself. Hence it is pertinent to add that he had a sort of literary acquaintance with this great statesman before the war began; but his real recognition of his greatness, and of the strength of his political doctrines, dated from certain studies in the first half of the

[1] Speech to the "Boys in Blue," delivered in New York, August 6, 1880.
[2] Alexander Hamilton, p. 283 (Boston, 1882).

year 1861. Accordingly, he entered Congress, and before that the army, not simply an ardent patriot, but a student of history and politics, rooted and grounded in those elements of order, of force, and of duration which, according to the distinguished Guizot, Hamilton contributed so powerfully to introduce into the Constitution, and to cause to predominate.

From the foregoing summary it is easy to see what was Mr. Garfield's mental equipment for a legislator. The first and most valuable part of it was general, — his native ability, his general education, his mental habits, the training that he had received in education, war, and politics, and his general views of our American governments, National and State, though these views, as a matter of course, he had not carried out and applied to many specific questions. More narrowly, he had mastered the Slavery question, upon which, beyond supporting the Thirteenth Amendment, he was never called to legislate; he had a full grasp of both the military and political sides of the Rebellion, and had partially thought out some of the other questions that were so closely connected with the war. This is about all. At this day there is nothing risked in saying that the late President's most valuable public service was in the field of economical discussion and legislation: Currency, the Banks, Taxation, Appropriations, Resumption, and related topics. The greatness and value of this service is now largely recognized by the public; but it will be surprising if the publication of these Works does not greatly strengthen that recognition. Nor is there anything risked in saying that, when he entered Congress, he had given no systematic study to any of these subjects. His grasp of economical science was

then little more than it was when he left college, although his general reading had given him a wider range of knowledge. The great knowledge of these subjects, the sound conclusions, the just principles, of which these volumes are such striking evidences, were gathered and wrought out after his Congressional life began. The same may be said of nearly all the subjects that are here discussed. That he not only was able to master these great and difficult financial questions, but was always able to defend sound principles with new arguments, fresh information, and original illustrations, at the same time that he was dealing with the other questions, both many and difficult, of those eventful years, as well as maintaining a lively interest in all public questions and bearing a part in the discussion of many of them, is at once a striking proof of the greatness of his powers, of the thoroughness of his training, and of the zeal and conscientiousness with which he devoted himself to his legislative duties.

With the mental equipment now described, Mr. Garfield entered the national House of Representatives. He at once took an active part in the debates, as the Index of the Congressional Globe for the first session of the Thirty-eighth Congress shows. The four speeches whose titles are found at the head of the Contents of this first volume were made that session. This activity was kept up, with some fluctuation of course, through the twenty-two sessions that he sat in Congress. It will be observed that, with a few exceptions, they are his major Congressional speeches that are presented in these Works. Only a few of the far greater number of minor speeches have been drawn out of the Globe and Record; and these have been given because they deal

with important subjects, and because they show the speaker's powers in such efforts. Of their kind, these minor speeches are as perfect as the greater and better-known speeches upon which his reputation as a debater rests. Nor must it be supposed that in Congress he was simply a speech-maker; he was always a conscientious and laborious committeeman. Then the reader must remember that every year, from 1864 to 1879, with the single exception of 1867 when he was in Europe, he took an active part in each political canvass; his services were in wide request in Ohio and in other States, and he sometimes made as many as sixty or seventy addresses in a single campaign. For a number of years he began his annual canvass with a carefully prepared speech, which was commonly printed from his own manuscript. This was of the nature of a report to his constituents, or to the people of Ohio, of the political history of the year, and especially of legislation. The campaign addresses from 1866 to 1872 inclusive constitute this series. By the side of these lines of activity must be mentioned his not inconsiderable law practice. In all, his cases in the United States courts were some thirty in number, many of them involving new and difficult questions, which demanded much time and study for their mastery. The three legal arguments that were fully reported have a place in these volumes. With all the rest, he was a generous respondent to calls to literary, ceremonial, and commemorative occasions, and a not unfrequent contributor to the press. Still, the occasional addresses and papers that are here brought together were the intellectual recreations of a man whose *work* lay in other fields.

The foregoing remarks have not been made simply to

generalize the labor that produced these works, and to enlarge the reader's view of this busy man and life. It is hoped that, so far as they go, they will set President Garfield boldly and clearly before the eye of the reader. Besides, they have an obvious bearing upon the works themselves. The reader must remember the magnitude of the labor that President Garfield performed, and the conditions under which he performed it. These compositions are not the essays of a scholar, working at his leisure in his library; they are, with few exceptions, the contributions to current discussion of a very busy man, who spoke on living questions because he had something to say. He had extraordinary power in the organization of thought, shown both in the excellence and rapidity of his execution; but many of these speeches were made under circumstances that taxed his power to the utmost. He was a hard reader, had a retentive memory, and was careful to keep his knowledge within reach; but, as a matter of course, he often had to use new information that was hastily gathered, or old information that needed further verification.

Mr. A. R. Spofford, the accomplished head of the Library of Congress, who well knew Garfield's mental habits, has said, in an admirable paper on his intellectual character and methods: "He was never chary of asking assistance in laying out the materials for any work he had to do. He made no mystery of what he was about; concealed nothing of his purposes or methods; drew freely upon his friends for suggestions; used his family, secretaries, and librarians to look up authorities, or, if he found the time, he looked them up himself. When he had examined the field as thoroughly as he was able, he organized his subject in his own mind, and,

if the speech was to be in Congress, he seldom wrote more than a few of its leading outlines, leaving the substance, as well as the diction, to the occasion." This is very true and just. Mr. Spofford also says: "He was ever most solicitous to verify every fact and quotation, and, after speaking *ex tempore*, he was anxious until he had carefully corrected the proofs."[1] This, too, is true and just; he was a conscientious man in all that he undertook. But the pressure of work or the shortness of time for preparation often made the verification of the fact impossible; he frequently had to correct the proofs in extreme haste, perhaps at midnight when worn out, and sometimes he could not correct them at all. A considerable part of the matter collected in these volumes never had any real revision from its author. I have indeed, verified many of the facts, dates, statistics, etc., as well as revised the diction when revision seemed essential; but I fear that my work will be found a poor substitute for the scholarship, care, and skill that the author would have brought to the task had he lived to be his own editor.

The preparation of these Works for publication was intrusted to me by Mrs. Garfield. I have earnestly sought to justify her confidence. It has been a labor of love; and no effort has been spared, no toil shrunk from, that seemed necessary to its fit accomplishment. I do not doubt that defects and blemishes in my work will be discovered; but if the American people shall think that upon the whole it is not unworthy of the text, I will be content. Nothing more need be said by way of explaining these Works, or the manner of their

[1] "A Tribute of Respect from the Literary Society of Washington to its late President, James Abram Garfield," pp. 16, 17, 26.

preparation for publication. I am not called upon to discuss President Garfield, or even to characterize him as thinker, orator, writer, or statesman. Now that I have put these speeches, addresses, arguments, and papers in the best form that I could, and accompanied them with such historical commentary as seemed to me called for, I submit the whole to that public upon which the distinguished and lamented author so deeply impressed himself.

B. A. HINSDALE.

HIRAM COLLEGE, HIRAM, OHIO,
September 1, 1882.

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THE WORKS

OF

JAMES A. GARFIELD.

CONFISCATION OF THE PROPERTY OF REBELS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1864.

THE confiscation of property as a punishment for treason attracted the attention of Congress early in the war. August 6, 1861, an act was approved, the first section of which authorized and directed the seizure, confiscation, and condemnation of property, of whatever kind or description, that should be purchased, acquired, sold, given, used, or employed with intent to aid, abet, or promote insurrection or resistance to the laws of the United States. The fourth section of the same act declared that all claims to the labor or service of any slave should be forfeited, provided said slave should, by the requirement or the permission of his owner, or his owner's agent, take up arms against the United States, or perform labor in or upon any fort, navy-yard, dock, armory, ship, intrenchment, or in any military or naval service whatsoever against the government and lawful authority of the United States. July 17, 1862, a much more rigorous and sweepting act was approved. It provided that every person adjudged guilty of treason against the United States should suffer death, or, at the discretion of the court, be imprisoned not less than five years, be fined not less than ten thousand dollars (the fine to be levied on all property, real and personal, excluding slaves), and all his slaves, if any, be declared and made free. This act also provided that, to insure the speedy termination of the rebellion then in progress, it should be made the duty of the President to cause the seizure of all the estate and property, money, stocks,

credits, and effects of certain enumerated classes of persons (six in number), and to apply and use the same and the proceeds thereof for the support of the Army of the United States. While this bill was pending in the two Houses, special attention was called to clause 2, section 3, Article III. of the Constitution: "The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted." It became known that President Lincoln held that the phrase "except during the life of the person attainted" limited the time for which the forfeiture of real estate might be worked, rather than the period within which it might be worked. The President, supposing that the bill would pass in a form disregarding this limitation, prepared a veto in advance, a copy of which he subsequently[1] laid before the House of Representatives for their information. Congress passed the bill in the form proposed, but to avert the veto sent with the bill to the White House a joint resolution framed to remove the President's objections, of which this was the last clause: "Nor shall any punishment or proceedings under said act be so construed as to work a forfeiture of the real estate of the offender beyond his natural life." Considering the bill and the resolution "as being substantially one," President Lincoln approved and signed both.

January 7, 1864, Mr. J. F. Wilson of Iowa introduced into the House of Representatives a joint resolution explanatory of the Act of July 17, 1862, which as reported back from the Judiciary Committee, omitting a proviso that is immaterial for the present purpose, read thus: "That the last clause of a joint resolution explanatory of 'An Act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes,' approved July 17, 1862, be, and the same hereby is, so amended as to read, 'Nor shall any punishment or proceeding under said act be so construed as to work a forfeiture of the estate of the offender contrary to the Constitution of the United States.'" As in 1862, the clause of the Constitution respecting forfeitures was a main point in the debate.

While Mr. S. S. Cox, then of Ohio, now of New York, was speaking, January 14, Mr. Garfield said: "I wish to ask my colleague a practical rather than a legal question. I wish to know whether the objection he raises to this resolution is not itself obnoxious to this objection. We punish men for civil and for criminal offences, great and small, in all the higher and lower courts of the country, by taking their property from them, so that their children can never have the benefit of it after the parent's death. Now, while we do this constantly in our courts, by civil and criminal processes, does not my colleague propose to make an exception in favor of the crime of treason? Why should not the children

[1] July 17, 1862.

of traitors suffer the same kind of loss and inconvenience as the children of thieves and other felons do? I ask the gentleman whether his position does not involve this great absurdity and injustice?"

In reply to a question by Mr. Cox, Mr. Garfield said: "I do not see that in this resolution we do break the Constitution. If the gentleman can show me that it violates the Constitution, I will vote against it with him, even though every member of my party votes for it; that makes no difference to me. I will say, however, that I had supposed that the intention of that clause of the Constitution was to prevent the punishment of treason when an individual was declared guilty of it after his death. I had supposed that that was the purpose of it, and if so, it seems to me that this bill is not obnoxious to the objection which the gentleman raises to it."

January 28, the House still having under consideration the Wilson resolution, Mr. Garfield delivered the following speech. February 5, the House passed the resolution. No action was had in the Senate. This was the end of the resolution, and also the end of all serious attempts to legislate further upon the confiscation of the property of rebels for the punishment of treason.

MR. SPEAKER, — I had not intended to ask the attention of the House, or to occupy its time on this question of confiscation at all; but some things have been said touching its military aspects which make it proper for me to trespass upon the patience of the House even at this late period of the discussion. Feeling that, in some small degree, I represent on this floor the army of the republic, I am the more emboldened to speak on the subject before us. I have been surprised that, in so long and so able a discussion, so little reference has been made to the merits of the resolution itself. Very much of the debate has had reference to questions which I believe, with all deference to the better judgment and maturer experience of others, are not germane to the subject before the House.

In the wide range of discussion, the various theories of the legal and political status of the rebellious States have been examined, — whether they exist any longer as States, and, if they do, whether they are in the Union or out of it. It is perhaps necessary that we take ground upon that question as preliminary to the discussion of the resolution itself. Two theories, differing widely from each other, have been proposed; but I cannot consider either of them as wholly correct. I cannot

agree with the distinguished gentleman from Pennsylvania,[1] who acknowledges that these States are out of the Union and now constitute a foreign people. Nor can I, on the other hand, agree with those who believe that the insurgent States are not only in the Union, but have lost none of their rights under the Constitution and laws of the Union.

Our situation affords a singular parallel to that of the people of Great Britain in their great revolution of the seventeenth century. From time immemorial it was the fiction of English law that the kingship was immortal, hereditary, and inalienable; that the king was "king by the grace of God"; that he could do no wrong, and that his throne could never be vacant. But the logic of events brought these theories to a practical test. James II. left the throne, threw the great seal of the kingdom into the Thames, and, fleeing from his own people, took refuge in France. The great statesmen of the realm took counsel together on some of the very questions which we are discussing to-day. One said, "The king has abdicated; we will put another in his place." Another said, "The crown is hereditary; we must put the heir in his place." The men of books and black-letter learning answered, *Nemo est hæres viventis*, "The king is alive, and can have no heir." Another said, "We will appoint a regent, and consider the kingship in abeyance until the king returns." The people said, "We will have a king, but not James." Through all this struggle two facts were apparent: the throne was vacant, and their king was unworthy to fill it. The British nation cut through the entanglement of words, and filled it with the man of their choice. We are taught by this that, whenever a great people desire to do a thing which ought to be done, they will find the means of doing it.

In this government we have thrown off the kingly fiction, but there is another which we are following as slavishly as ever England followed that. Here, corporations are more than kings. It is the doctrine of our common law (if we may be said to have a common law) that corporations have neither consciences nor souls; that they cannot commit crimes; that they cannot be punished; and that they are immortal. These propositions are being applied to the rebel States. They are corporations of a political character, bodies corporate and politic; they are immortal, and cannot be touched by the justice of law,

[1] Mr. Stevens.

or by the power of an outraged government. They hover around our borders like malignant, bloody fiends, carrying death in their course; and yet we are told they cannot be punished nor their ancient rights be invaded. The people of the South, under the direction of these phantom States, are moving the powers of earth and hell to destroy this government. They plead the order of their States as their shield from punishment, and the States plead the impunity of soulless corporations. But the American people will not be deluded by these theories, nor waste time in discussing them. They are striking through all shams with the sword, and are finding a practical solution, as England did. And what is that practical solution? The Supreme Court of the United States has aided us, at this point, in the Prize Cases decided on March 3, 1863.[1] It is there said in effect —

"That since July 13, 1861, the United States have had full belligerent rights against all persons residing in the districts declared by the President's proclamation to be in rebellion."

"That the laws of war, whether that war be civil or *inter gentes*, convert every citizen of the hostile state into a public enemy, and treat him accordingly, whatever may have been his previous conduct."

"That all the rights derived from the laws of war may now, since 1861, be lawfully and constitutionally exercised against all the citizens of the districts in rebellion."

The court decided that the same laws of war which apply to hostile foreign states are to be applied to this rebellion. But in so deciding they do not decide that the rebellious States are, therefore, a foreign people. I do not hold it necessary to admit that they are a foreign people. I do not admit it. I claim, on the contrary, that the obligations of the Constitution still hang over them; but by their own act of rebellion they have cut themselves off from all rights and privileges under the Constitution. When the government of the United States declared the country in a state of war, the rebel States came under the laws of war. By their acts of rebellion they swept away every vestige of their civil and political rights under the Constitution of the United States. Their obligations still remained; but the reciprocal rights which usually accompany obligations they had forfeited.

[1] 2 Black, 635.

The question then lies open before us, In a state of war, under the laws of war, is this resolution constitutional and wise? I insist, Mr. Speaker, that the only constitutional question involved in the resolution is whether this government, in the exercise of its rights as a belligerent, under the laws of war, can or cannot punish armed rebels and confiscate their estates, both personal and real, for life and forever. This is the only constitutional question before us.

Gentlemen have learnedly discussed the constitutional powers of Congress to punish the crime of treason. It matters not how that question is decided; in my judgment, it has no bearing whatever on the resolution before the House. I will only say in passing, that the Supreme Court has never decided that the clause of the Constitution relating to treason prohibits forfeiture beyond the lifetime of persons attainted. No man in this House has found any decision of the Supreme Court giving the meaning to the Constitution which gentlemen on the other side of the chamber have given to it. They can claim no more than that the question is *res non adjudicata*. The arguments we have heard are sufficient evidence to me, at least, that the framers of our Constitution intended that Congress should have full power to define treason, and provide for its punishment; but the rule of the English common law, which permitted attainder, corruption of blood, and forfeiture to be declared after the death of the accused, should not prevail in this country. To me the clause carries an absurdity on its face, if it be interpreted to mean that treason, the highest crime known to law, shall be punished with less severity, so far as it regards the estate of the criminal, than any other crime or misdemeanor whatsoever. But, as I before said, the present law of confiscation is based on the rights of belligerents under the laws of war.

The gentleman from New York[1] a few days since, in his address to the House, gave us a history of the rebellions which have occurred in this country. I wish to call his attention to one of our rebellions, a very important one, which he did not notice, and in which the question of confiscation was very fully and very practically discussed. This fact has not, I believe, been brought to the attention of the House. Do gentlemen forget that the Union had its origin in revolution, and that confiscation played a very important part in that revolution? It

[1] Mr. Fernando Wood.

was a civil war; and the Colonies were far more equally divided on the question of loyalty than the States of the South now are on the questions of to-day. Many of the thirteen Colonies had almost equal parties for and against England in that struggle. In New York the parties were of nearly equal strength. In South Carolina there were probably more Royalists than Whigs. Twenty thousand American Tories appeared in the armies against us in the Revolutionary struggle. Thirty Tory regiments served in the British line. Our fathers had to deal with these men, and with their estates. How did they solve the problem? I have looked into the history of its solution, and find it full of instruction. Every one of the thirteen States, with a single exception, confiscated the real and personal property of Tories in arms. They did it, too, by the recommendation of Congress. Not only so, but they drove Tory sympathizers from the country; they would not permit them to remain upon American soil. Examine the statutes of every State, except New Hampshire, where the tide of battle never reached, and you will find confiscation laws of the most thorough and sweeping character. When our commissioners were negotiating the treaty of peace, the last matter of difference and discussion was that of confiscated property. The British commissioners urged the restoration of confiscated estates, but Jay and Franklin and their colleagues defended the right of confiscation with great ability, and refused to sign the treaty at all if that was to be a condition. While these negotiations were pending, the States memorialized Congress to guard against any concession on the point in dispute, and our commissioners were instructed by Congress to admit no conditions which would compel the restoration of confiscated estates. The final settlement of the question will be found in the fifth article of the treaty of peace as it now stands recorded, which provided that Congress should *recommend* to the several Colonies to restore confiscated property; but it was well understood by both parties that it would not be done. Congress passed the resolution of recommendation as a matter of form; but no State complied, or was expected to comply with it. It was, however, provided that no further confiscations should be made, and that Tories should be permitted to remain in America for twelve months after the treaty.

In the debates of the English House of Lords in 1783, up-

on the treaty of peace, Lord Shelburne frankly admitted that the Loyalists were left without better provision being made for them, "from the unhappy *necessity* of public affairs, which induced the extremity of submitting the fate of their property to the discretion of their enemies." "I have," he said, "but one answer to give the House; it is the answer I gave my own bleeding heart. A *part* must be wounded, that the *whole* of the empire may not perish. If better terms could be had, think you, my lord, that I would not have embraced them? *I had but the alternative either to accept the terms proposed or continue the war.*" Lord Shelburne also declared, that "without one drop of blood spilt, and without one fifth of the expense of one year's campaign, happiness and ease can be given them in as ample a manner as these blessings were ever in their enjoyment." The Lord Chancellor defended the treaty on other grounds, but said, if necessary, "Parliament could take cognizance of their case, and impart to each suffering individual that relief which reason, perhaps policy, certainly virtue and religion, required."[1]

Thus Revolutionary confiscation passed into history by the consent and agreement of both belligerents. Its principles were also defended by our government after the adoption of the Constitution. In 1792 Mr. Jefferson, then Secretary of State, in answer to some complaints of the British government, reviewed the whole question at great length and with great ability. I ask my colleague[2] to notice these extracts relating to belligerent rights, which he has just been discussing.

"It cannot be denied that the state of war strictly permits a nation to seize the property of its enemies found within its own limits or taken in war, and in whatever form it exists, whether in action or possession. This is so perspicuously laid down by one of the most respectable writers on subjects of this kind, that I shall use his words: 'Since it is a condition of war, that enemies may be deprived of all their rights, it is reasonable that everything of an enemy's, found among his enemies, should change its owner and go to the treasury. It is, moreover, usually directed, in all declarations of war, that the goods of enemies, as well *those found among us* as those taken in war, shall be confiscated. If we follow the mere right of war, even *immovable* property may be sold and its price carried into the treasury, as is the custom with movable property.

[1] See Sabine's American Loyalists, Vol. I. pp. 101, 102 (Boston, 1864).

[2] Mr. Finck of Ohio.

But in almost all Europe, it is only notified that their profits, during the war, shall be received by the treasury; and the war being ended, the immovable property itself is restored, by agreement, to the former owner.'"[1]

"EXILE AND CONFISCATIONS. — After premising that these are lawful acts of war, I have shown that the fifth article [of the treaty of 1783] was *recommendatory* only, its stipulations being, not to *restore* the confiscations and exiles, but to *recommend* to the State Legislatures to restore them; — that this word, having but one meaning, establishes the intent of the parties; and, moreover, that it was particularly explained by the American negotiators that the Legislatures would be free to comply with the recommendation or not, and probably would not comply; — that the British *negotiators* so understood it; — that the British *ministry* so understood it; and the members of both Houses of *Parliament*, as well those who approved as who disapproved the article."[2]

Thus the Revolutionary fathers, both before and after the adoption of the Constitution, defended confiscation.

The Tories who fled to England called upon the Crown for support. A commission was appointed to examine their claims and provide for their wants. It is a significant fact, that of the vast numbers of Tories perhaps not a thousand remained in this country after the war. The people would not endure their presence. They were driven out, and took refuge in all quarters of the globe. They colonized New Brunswick and Nova Scotia, and were scattered along the borders of Canada. The States would show no favor, even to the few who came back under the provisions of the treaty, and refused them the right of voting, or of holding office or property. It was well known that there could be no peace between them and our loyal people. Their history is a sad record of infamy, obscurity, and misery. Some exhibited their vengeful hate long after the war was over. Girty and his associates, who murdered Crawford in the Indian wars of 1782, were Tories of the Revolution. Bowles and Panton, leaders among the Creek Indians, and who started the Florida troubles, which resulted in a long and bloody conflict in the swamps of that region, were Tories. As a class, they went out with the brand of Cain upon them, and were not permitted to return. One State alone relented. South Caro-

[1] Jefferson's Works, Vol. III. p. 369. The writer quoted by Jefferson is Bynkershoek.

[2] Ibid., Vol. III. p. 423.

lina passed an act of oblivion, restored a large part of the confiscated estates, and permitted the Tories after a short time to vote and hold office. Her policy has borne its bitter fruit. Her government has hardly been entitled to be called republican. The spirit of monarchy and disloyalty has ruled her councils, and has at last plunged the republic into the most gigantic and bloody of rebellions.

Let us take counsel from the wisdom of our fathers. Is it probable that the same men who confiscated all the property of armed Tories would, a few years later, establish it as a fundamental doctrine of the Constitution that no confiscation can be made beyond the lifetime of the attainted traitor? Is it probable that men who had just done what they stubbornly held to be right should enact as a part of the supreme law of the land that the same thing should never be done again?

I now come more directly to consider the policy involved in the resolution before us. Landed estates, Mr. Speaker, are inseparably connected with the peculiar institution of the South. It is well known that the power of slavery rests in large plantations; that the planter's capital drives the poor whites to the mountains, where liberty always loves to dwell, and to the swamps and by-places of the South; and that the bulk of all the real estate is in the hands of the slave-owners who have plotted this great conspiracy. Let me give you an instance of this, one of a thousand that might be given. In the town of Murfreesboro', Rutherford County, Tennessee (a place made sacred and glorious forever by the valor of our army), there are 14,493 acres of land under enclosure owned by sixteen men; three of the sixteen men own more than ten thousand of the acres. One of the three owns half of the whole township of Murfreesboro'. And this is only a specimen of what these men of the South are to the lands of the South. Only a few hundred men own the bulk of the land in any Southern State; they hold the lands and own the slaves. These men plotted the rebellion and thrust it upon us. They have had the political power in their hands, and if you permit them to go back to their lands they will have it again. The laws of nature, the laws of society, cannot be overcome by the resolutions of Congress. Grant a general amnesty, let these men go back to their lands, and they will again control the South. They have so long believed themselves born to rule, that they

will rule the poor man in the future, as in the past, with a rod of iron. The landless man of the South has learned the lesson of submission so well that when he is confronted by a landed proprietor he begins to be painfully deferential; he is facile and dependent, and less a man, than if he stood on a little spot of God's earth covered by his own title-deed.

Sir, if we want a lasting peace, if we want to put down this rebellion so that it shall stay forever put down, we must put down its guilty cause; we must put down slavery; we must take away the platform on which slavery stands, — the great landed estates of the armed rebels of the South. Strike that platform from beneath its feet, take that land away, and divide it into homes for the men who have saved our country. I put it to this House as a necessity which stares us in the face. What, let me ask you, will you do with the battle-fields of the South? Who own them? Who own the red field of Stone River? Two or three men own it all. And who are these two or three men? Rebels, every one, — one of them a man who once sat in this chamber, but who is now a leader in the rebel army. Will you let *him* come back and repossess his land? Will you ask *his* permission when you go to visit the grave of your dead son who sleeps in the bosom of that sacred field? If the principles of the gentlemen on the other side be carried out, there is not one of the great battle-fields of the war (save Gettysburg, which lies yonder on this side of the line) that will not descend for all time to come to the sons of rebels, — to men whose fathers gained a bad eminence by fighting against their country, and who will love those fathers for affection's sake, and love rebellion for their fathers' sake. God forbid that we should ever visit those spots, made sacred by the blood of so many thousand brave men, and see our enemies holding the fields and ploughing the graves of our brethren, while the sweat of slaves falls on the sod which ought to be forever sacred to every American citizen!

The history of opinion and its changes in the army is a very interesting one. When the war broke out, men of all parties sprang to arms by a common impulse of generous patriotism, — which I am glad to acknowledge here in the presence of those in whose hearts that impulse seems now to be utterly dead. I remember to have said to a friend when I entered the army, "You hate slavery; so do I; but I hate disunion more. Let us drop the slavery question and fight to sustain the Union.

When the supremacy of the government has been re-established, we will attend to the other question." I said to another, "You love slavery. Do you love the Union more? If you do, go with me; we will let slavery alone, and fight for the Union. When that is saved, we will take up our old quarrel, if there is anything left to quarrel about." I started out with that position, taken in good faith, as did thousands of others of all parties. But the army soon found that, do what it would, the black phantom met it everywhere, — in the camp, in the bivouac, on the battle-field, — and at all times. It was a ghost that would not be laid. Slavery was both the strength and the weakness of the enemy: his strength, for it tilled his fields and fed his legions; his weakness, for in the hearts of slaves dwelt dim prophecies that their deliverance from bondage would be the outcome of the war. Mr. Seward well says, in an official despatch to our Minister at the Court of St. James, "Everywhere the American general receives his most useful and reliable information from the negro, who hails his coming as the harbinger of freedom." These ill-used men came from the cotton-fields; they swam rivers, they climbed mountains, they came through jungles in the darkness and storms of the night, to tell us that the enemy was coming here or coming there. They were our true friends in every case. There has hardly been a battle, a march, or any important event of the war, where the friend of our cause, the black man, has not been found truthful and helpful, and always devotedly loyal. The conviction forced itself upon the mind of every soldier that behind the rebel army of soldiers the black army of laborers was feeding and sustaining the rebellion, and there could be no victory till its main support should be taken away.

> "You take my house when you do take the prop
> That doth sustain my house."

The rebellion falls when you take away its chief prop, slavery and landed estates.

Gentlemen on the other side, you tell me that this is an Abolition war. If you please to say so, I grant it. The rapid current of events has made the army of the republic an Abolition army. I can find in the ranks a thousand men who are in favor of sweeping away slavery to every dozen that desire to preserve it. They have been where they have seen its malevolence, its baleful effects upon the country and the Union, and

they demand that it shall be swept away. I never expect to discuss the demerits of slavery again, for I deem it unnecessary. The fiat has gone forth, and it is dead unless the body-snatchers on the other side of this House shall give it galvanic life. You may say to me that slavery is a divine institution; you may prove to your own satisfaction from the word of God, perhaps, that slavery is a beneficent institution. I will say to you that all this may be entirely satisfactory to *your* mind, but your beloved friend slavery is no more. This is a world of bereavements and changes, and I announce to you that your friend has departed. Hang the drapery of mourning on the bier! Go in long and solemn procession after the hearse, if you please, and shed your tears of sorrow over the grave; but life is too short to allow me to waste an hour in listening to your tearful eulogy over the deceased.

I come now to consider another point in this question. I hold it a settled truth that the leaders of this rebellion can never live in peace in this republic. I do not say it in any spirit of vindictiveness, but as a matter of conviction. Ask the men who have seen them and met them in the darkness of battle and all the rigors of warfare: they will tell you that it can never be. I make, of course, an exception in favor of that sad array of men who have been forced or cajoled by their leaders into the ranks and subordinate offices of the rebel army. I believe a truce could be struck to-day between the rank and file of the hostile armies. I believe they could meet and shake hands joyfully over returning peace, each respecting the courage and manhood of the other. But for the wicked men who brought on this rebellion, for the wicked men who led others into the darkness, such a day can never come. Ask the representatives of Kentucky upon this floor, who know what the rebellion has been in their State, who know the violence and devastation that have swept over it, and they will tell you that all over that State neighbor has been slaughtered by neighbor, feuds fierce as human hate can make them have sprung up, and so long as revenge has an arm to strike, its blows will never cease to be struck, if such men come back to dwell where they dwelt before. This is true of every State over which the desolating tide of war has swept. If you would not inaugurate an exterminating warfare, to continue while you and I and our children and children's children live, set it down at once that the leaders of this rebellion must be

executed or banished from the republic. They must follow the fate of the Tories of the Revolution.

I believe, Mr. Speaker, that the army is a unit on these great questions; and I must here be permitted to quote from one of nature's noblemen, a man from Virginia, with the pride of the Old Dominion in his blood, but who could not be seduced from his patriotism, — one who, amid the storm of war that surged against him at Chickamauga, stood firm as a rock in the sea, — George H. Thomas. That man wrote a communication to the Secretary of War nearly a year ago, saying in substance, for I quote from memory: "I send you the enclosed paper from a subordinate officer; I endorse its sentiments, and I will add, that we can never make solid progress against the rebellion until we take more sweeping and severe measures; we must make these people feel the rigors of war, subsist our army upon them, and leave their country so that there will be little in it for them to desire." Thus spoke a man who is very far from being what gentlemen upon the other side of the House are pleased to call an Abolitionist, or a Northern fanatic; and in saying this, he spoke the voice of the army.

Mr. Speaker, I am surprised and amazed beyond measure at what I have seen in this House. Having been so long with men who had but one thought upon these great themes, it is passing strange to me to hear men talking of the old issues and discussions of four years ago. They forget that we live in actions more than in years. They forget that sometimes a nation may live a generation in a single year; that the experience of the last three years has been greater than that of centuries of quiet and peace. They do not seem to realize that we are at war. They do not seem to realize that this is a struggle for existence, — a terrible fight of flint with flint, bayonet with bayonet, blood for blood. They still retain some hope that they can smile rebellion into peace. They use terms strangely. In these modern days words have lost their significance. If a man steals his thousands from the Treasury, he is not a thief; O, no! he is a "defaulter." If a man hangs shackles on the limbs of a human being and drives him through life as a slave, it is not man-stealing, it is not even slavery; it is only "another form of civilization." We are using words in that strange way. There are public journals in New York city, I am told, that never call this a rebellion, — it is only a "civil commotion," a

"fraternal strife." It was described more vigorously in this chamber a few days ago as "an inhuman crusade against the South." I had thought the day of "Southern brethren" and "wayward sisters" had gone by, but I find it here in the high noon of its glory. One would suppose from all we hear that war is gentle and graceful exercise, to be indulged in in a quiet and pleasant manner. I have lately seen a stanza from the nursery rhymes of England which I commend to these gentle-hearted patriots who propose to put down the rebellion with soft words and paper resolutions: —

> "There was an old man who said, How
> Shall I flee from this horrible cow?
> I will sit on the stile
> And continue to smile,
> Which may soften the heart of this cow."

I tell you, gentlemen, the heart of this great rebellion cannot be softened by smiles. You cannot send commissioners to Richmond, as the gentleman from New York[1] proposes, to smile away the horrible facts of this war. Not by smiles, but by thundering volleys, must this rebellion be met, and by such means alone. I am reminded of Macaulay's paragraph in regard to the revolution in England: —

> "It is because we had a preserving revolution in the seventeenth century that we have not had a destroying revolution in the nineteenth. It is because we had freedom in the midst of servitude that we have order in the midst of anarchy. For the authority of law, for the security of property, for the peace of our streets, for the happiness of our homes, our gratitude is due, under Him who raises and pulls down nations at his pleasure, to the Long Parliament, to the Convention, and to William of Orange."[2]

Mr. Speaker, if we want a peace that is not a hollow peace, we must follow that example, and make thorough work of this war. We must establish freedom in the midst of servitude, and the authority of law in the midst of rebellion. We must fill the thinned ranks of our armies, assure them that a grateful and loving people are behind to sanction and encourage them, and they will go down against the enemy bearing with them the majesty and might of a great nation. We must follow the march of the army with a free and loyal population; we must

[1] Mr. Wood. [2] History of England, Vol. II. p. 510 (Harper's ed., 1856).

protect that population by the strong arm of military power. The war was announced by proclamation, and it must end by proclamation. We can hold the insurgent States in military subjection half a century if need be, until they are purged of their poison, and stand up clean before the country. They must come back with clean hands if they come at all. I hope to see in all those States the men who have fought and suffered for the truth, tilling the fields on which they pitched their tents. I hope to see them, like old Kaspar of Blenheim, on the summer evenings, with their children upon their knees, and pointing out the spot where brave men fell and marble commemorates it. Let no breath of treason be whispered there. I would have no man there, like one from my own State, who came to the army before the great struggle in Georgia, and gave us his views of peace. He came as the friend of Vallandigham, the man for whom the gentlemen on the other side of the House from my State worked and voted. We were on the eve of the great battle. I said to him, "You wish to make Mr. Vallandigham Governor of Ohio. Why?" He replied, "Because, in the first place," using the language of the gentleman from New York, "you cannot subjugate the South, and we propose to withdraw without trying it longer. In the next place, we will have nothing to do with this Abolition war, nor will we give another man or another dollar for its support." "To-morrow," I continued, "we may be engaged in a death-struggle with the rebel army that confronts us, and is daily increasing. Where is the sympathy of your party? Do you want us beaten, or Bragg beaten?" He answered that they had no interest in fighting, that they did not believe in fighting. I asked him further, "How would it affect your party if we should crush the rebels in this battle, and utterly destroy them?" "We would probably lose votes by it." "How would it affect your party if we should be beaten?" "It would probably help us in votes."

That, gentlemen, is the kind of support the army is receiving in what should be the house of its friends. That, gentlemen, is the kind of support these men are inclined to give this country and its army in this terrible struggle. I hasten to make honorable exceptions. I know there are honorable gentlemen on the other side who do not belong to that category, and I am proud to acknowledge them as my friends. I am sure they do not sympathize with these efforts, whose tendency is to pull down the

fabric of our government by aiding their friends over the border to do it. *Their friends*, I say; for when the Ohio election was about coming off, in the army at Chattanooga there was more anxiety in the rebel camp than in our own. The pickets had talked face to face, and the rebels made daily inquiry how the election in Ohio was going. And at midnight of the 13th of October, when the telegraphic news was flashed down to us, and it was announced to the army that the Union had sixty thousand majority in Ohio, there arose a shout from every tent along the line on that rainy midnight, which rent the skies with jubilees, and sent despair to the heart of those who were "waiting and watching across the border." It told them that their colleagues, their sympathizers, their friends, I had almost said their emissaries, at the North, had failed to sustain themselves in turning the tide against the Union and its army. And from that hour, but not till that hour, the army felt safe from the enemy behind it. Thanks to the 13th of October! It told thirteen of my colleagues that they had no constituencies. I deprecate these apparently partisan remarks; it hurts me to make them; but it hurts me more to know that they are true. I would not make them but that I wish to unmask the pretext that these men are in earnest, and laboring for the vigorous prosecution of the war and the maintenance of the government. I cannot easily forget the treatment which the conscription bill received this morning.[1] Even the few men in the army who voted for Vallandigham wrote on the back of their tickets, "Draft! draft!" But their representatives here think otherwise.

I conclude by returning once more to the resolution before us. Let no weak sentiments of misplaced sympathy deter us from inaugurating a measure which will cleanse our nation and make it the fit home of freedom and a glorious manhood. Let us not despise the severe wisdom of our Revolutionary fathers when they served their generation in a similar way. Let the republic drive from its soil the traitors that have conspired against its life, as God and his angels drove Satan and his host from heaven. He was not too merciful to be just, and to hurl down in chains and everlasting darkness the "traitor angel" who "first broke peace in heaven," and rebelled against Him.

[1] See the following Speech, on "Enrolling and Calling out the National Forces," June 25, 1864.

On the 9th of April, 1864, in reply to Mr. Cox, of Ohio, Mr. Garfield made these remarks: —

My colleague misrepresents me — I presume unintentionally — when he says that I have, on two occasions, declared my readiness to overleap the Constitution. That I may set myself and him right on that question, I will say, once for all, that I have never uttered such a sentiment. I believe, sir, that our fathers erected a government to endure forever; that they framed a Constitution which provided, not for its own dissolution, but for its amendment and perpetuation. I believe that that Constitution confers on the executive and legislative departments of the government the amplest powers to protect and defend this nation against all its enemies, foreign and domestic; that we are clothed with plenary power to pursue rebels in arms, either as traitors, to be convicted in the courts and executed on the gallows, or as public enemies, to be subjected to the laws of war and destroyed on the battle-field. We are at liberty to adopt either policy, or both, as we deem most expedient. But, sir, gentlemen on the other side of this chamber profess to be greatly embarrassed by constitutional restrictions. They tell us that the Constitution confers upon us no right to coerce a rebellious State; no right to confiscate the property of traitors; no right to employ black men in the military service; no right to suspend the writ of *habeas corpus;* no right to arrest spies; no right to draft citizens to fill up the army; in short, no right to do anything which is indispensably necessary to save the nation and the Constitution. It was in answer to such claims that I said, in substance, *if all these things were so*, I would fall back on the inalienable right of self-preservation, and overleap the barriers of the Constitution; but I would leap into the arms of a willing people, who made the Constitution, and who could, in the day of dire necessity, make other weapons for their own salvation. The nation is greater than the work of its own hands. The preservation of its life is of greater moment than the preservation of any parchment, however replete with human wisdom. I desire to read an extract from an authority which, I am sure, the gentleman will acknowledge, Thomas Jefferson.[1] This extract states more ably than I can the very doctrine I have advocated.

[1] Here Mr. Garfield read from a letter to J. B. Colvin, dated September 20, 1810, which may be found in Jefferson's Works, Vol. V. p. 542.

ENROLLING AND CALLING OUT THE NATIONAL FORCES.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES.

JUNE 25, 1864.

THE first call for troops to suppress the Southern Rebellion was made on April 15, 1861, under the laws authorizing the President to call out the militia of the several States to repel invasion and to suppress insurrection (especially the law of February 28, 1795). July 22, Congress authorized the President to accept the service of 500,000 volunteers, for a period not exceeding three years; and shortly after, this authorization was duplicated. Thus, early in the war the government was committed to volunteering as the means of filling up the army. To stimulate volunteering, Congress voted, besides pay and clothing, a bounty of $100 to each volunteer who should serve two years, or during the war if sooner ended. As the war went on, additional inducements were offered, sometimes by law and sometimes by order of the War Department. A short step towards putting the military power of the republic more fully at the disposal of the government was taken in the act of July 17, 1862, which gave the President fuller control of the militia of the States. August 4 of the same year, the President called for 300,000 militia for nine months, and directed that the States should be drafted to fill up their quotas if necessary. March 3, 1863, the first Enrolment Act was passed. This gave the President power to draft, but several classes of able-bodied male citizens were exempted, and the drafted persons had the option of serving, furnishing an accepted substitute, or paying a commutation authorized by the Secretary of War, not to exceed $300, for the procuration of a substitute. October 17, 1863, 300,000 men were called for under this act. On the 1st of February, 1864, a further draft of 500,000 men was ordered; March 14, another draft for 200,000. The frequency of these calls, as well as the large number of men called for in the successive proclamations, is explained in great degree by the looseness of the act of March 3, 1863, according to which large numbers of men competent for military service were exempted, and according to which those

actually drafted could avoid the service by payment of the commutation. Practically, that law tended to fill the treasury rather than the army; and it was called a financial rather than a military measure. Its operation was well explained by Mr. Garfield in some remarks made on February 3, 1864: —

"I wish to call the attention of the committee — and if I could I would address my remarks only to those who are in favor of an effective conscription bill of some sort — to some facts in relation to the operation of the existing law. I will state in a few sentences the direct results of that law, so far as it has been enforced.

"On the 14th day of December last, there had been drawn from the wheel in the late draft 290,000 names. Of these, 73,000 were exempted in consequence of disability, and 74,000 for other reasons, as laid down in the second section of the present conscription law; 41,000 paid commutation; 24,000 furnished substitutes; and 11,000 went to the field. Several thousand more were thrown out as having been improperly enrolled. Therefore it will be seen that, out of 290,000 names drawn from the wheel, the government got 11,000 men who went themselves, and 24,000 who went as substitutes. Look at the result: 290,000 men placed out of the enrolment list for three years to come, of whom only 11,000 are in the army! How many men would you get at that rate from the entire enrolment list of three million? If the entire number were drafted to-morrow under the present law, you would get 350,000 men, and then you have pledged the faith of the government that for three years to come not another man in the United States shall be compelled to enter the military service. That would be the effect of the present law if executed in full to-morrow. I say again, that under that law you can obtain but 350,000 men by substitute and by draft, and then you will have forsworn yourselves against calling for another man in the United States for the army by any compulsory process."

The speculative spirit engendered by the inflation of the currency and the prodigal expenditures of the war was nowhere more prominent than in the business of recruiting. Congress fostered this spirit by voting liberal bounties, and the War Department outran Congress by offering bounties without the authority of law. In the mean time Congress was struggling with the difficulties of the situation. December 3, 1863, it was provided by joint resolution, "That no bounties, except such as are now provided by law, shall be paid to any persons enlisting after the fifth day of January next." But in the same resolution money was voted to pay the unauthorized bounties up to that time. Then, a few days later, by joint resolution (approved January 13, 1864) it was voted to extend the time for which these high bounties shall be paid to the first day of March. Mr. Garfield's was one of the two votes cast in the House against this resolution. He thus explained his vote: —

"The request of the President and the War Department was to continue the payment of bounties until the 1st of February next; but the resolution before the House proposes to extend the payment until the 1st of March. And while the President asks us to continue the payment of bounties to veteran volunteers only, this resolution extends it to all volunteers, whether veterans or raw recruits. If the resolution prevails, it seems to me we shall swamp the finances of the government before the 1st of March arrives. I cannot consent to vote for a measure which authorizes the expenditure of so vast a sum as will be expended under this resolution, unless it be shown absolutely indispensable to the work of filling up the army. I am anxious that veterans shall volunteer, and that bounties be paid to *them*. But if we extend the payment to all classes of volunteers for two months to come, I fear we shall swamp the government. Before I vote for this resolution, I desire to know whether the government is determined to abandon the draft. If it be its policy to raise an army solely by volunteering and paying bounties, we have one line of policy to pursue. If the conscription law is to be anything better than a dead letter on the statute-book, our line of policy is a very different one. . . . . I am sorry to see in this resolution the indication of a timid and vacillating course. It is unworthy the dignity of our government and our army to use the conscription act as a scarecrow, and the bounty system as a bait, alternately to scare and coax men into the army. Let us give liberal bounties to veteran soldiers who may re-enlist, and for raw recruits use the draft."

A law approved on February 24, 1864, greatly reduced the exemptions made by the law of March, 1863, and narrowed the commutation clause; but still failed to meet the emergency. While Congress was thus halting between two opinions, and the army was on the point of serious reduction through the expiration of enlistments, President Lincoln himself went before the House Military Committee and stated the pressing necessity for men to take the places of those whose enlistments would soon expire. He asked for legal power to draft men to fill the ranks. A bill embodying these more positive ideas was introduced into the House by Mr. Schenck of Ohio, June 13, 1864. The House still hesitated, and amendments emasculating the bill were promptly carried. Mr. Garfield protested that the government was in want of men, and not of money; that the existing law had, in the main, failed to secure the requisite reinforcements; that the commutation clause of the enrolment act could not be retained, and the army be filled up at the same time. "This Congress," said he, "must sooner or later meet the issue face to face, and I believe the time will soon come, if it has not now come, when we must give up the war or give up the commutation. I believe the men and the Congress that shall finally refuse to strike out the commutation clause, but retain it in its full force as it now is, will sub-

stantially vote to abandon the war. And I am not ready to believe, I will not believe, that the Thirty-eighth Congress has come to such a conclusion."

Better counsels finally prevailed. Without following the bill of June 13 through its devious history, it suffices to say that at the very end of the session an efficient law passed, bearing the title, "An Act further to regulate and provide for the enrolling and calling out the National Forces, and for other Purposes," and was approved July 4, 1864. Pending this bill, Mr. Garfield delivered the following speech.

MR. SPEAKER, — The honorable gentleman[1] who has just taken his seat has seen fit to refer to a remark which I made on the last occasion when the proposed repeal of the commutation clause was before the House. I do not think he intended to misrepresent me, yet he did so. I did not take it upon myself to criticise the individual acts or votes of any member of this House. But, sir, it is my right to animadvert upon the action of this House and the effects of its policy. This right I have hitherto used in such manner as I deemed proper, and while I have the honor of a seat in this body I shall continue to use it. On that occasion I did, as the gentleman states, declare it as my opinion that we had reached a point in the progress of events where we must decide to repeal the commutation clause or give up the successful prosecution of the war. I did not then believe, nor do I now believe, that the vote then taken was such a decision; but I did believe, and I yet believe, that if the policy indicated by that vote shall be persisted in, if the commutation clause be permanently retained in the law, if no more efficient law be passed this session for filling up our armies and supplying the waste of battle and disease, the rebellion cannot be put down during the lifetime of the Thirty-eighth Congress. I go further. If this Congress shall leave the law as it now stands, and the next Congress repeats the folly, I do not believe the rebellion will be put down during the continuance of the next Congress, nor at all while the incubus of commutation weighs down the present law. In my judgment, that clause stands directly in the way of filling up our armies.

Mr. Speaker, it has never been my policy to conceal a truth merely because it is unpleasant. It may be well to smile in the

[1] Mr. Odell, of New York.

face of danger, but it is neither well nor wise to let danger approach unchallenged and unannounced. A brave nation, like a brave man, desires to see and measure the perils which threaten it. It is the right of the American people to know the necessities of the republic when they are called upon to make sacrifices for it. It is this lack of confidence in ourselves and the people, this timid waiting for events to control us when they should obey us, that makes men oscillate between hope and fear, — now in the sunshine of the hilltops, and now in the gloom and shadows of the valley. To such men the morning bulletin which heralds success in the army gives exultation and high hope; the evening despatch announcing some slight disaster to our advancing columns brings gloom and depression. Hope rises and falls by the accidents of war, as the mercury of the thermometer changes by the accidents of heat and cold. Let us rather take for our symbol the sailor's barometer, which faithfully forewarns him of the tempest, and gives him unerring promise of serene skies and peaceful seas.

No man can deny that we have grounds for apprehension and anxiety. The unexampled magnitude of the contest, the enormous expenditures of the war, the unprecedented waste of battle, bringing sorrow to every loyal fireside, the courage, endurance, and desperation of our enemy, the sympathy given him by the monarchies of the Old World as they wait and hope for our destruction, — all these considerations should make us anxious and earnest; but they should not add one hue of despair to the face of an American citizen, — they should not abate a tittle of his heart and hope. The spectres of defeat, bankruptcy, and repudiation have stalked through this chamber, evoked by those gentlemen who see no hope for the republic in the arbitrament of war, no power in the justice of our cause, no peace made secure by the triumph of freedom and truth.

Mr. Speaker, even at this late day of the session, I will beg the indulgence of the House while I point out some of the grounds of our confidence in the final success of our cause, while I endeavor to show that, though beset with danger, we still stand on firm ground, and though the heavens are clouded, yet above storm and cloud the sun of our national hope shines with steady and undimmed splendor. History is constantly repeating itself, making only such changes of programme as the growth of nations and centuries requires. Such struggles

as ours, and far greater ones, have occurred in other ages, and their records are written for us. I desire to refer to the example of our kindred across the sea, in their great struggles at the close of the last and the beginning of the present century, to show what a brave nation can do when their liberties are in danger and their national existence is at stake.

There were two periods in the history of that contest when England saw darker days than any that we have seen, or, I hope, ever shall see. Consider her condition in 1797. For ten years the tide of mad revolution had been sweeping over Europe like a destroying pestilence, demolishing thrones and principalities; and, while many evils were swept away, chaos and anarchy were left in its track. In 1792 France declared war against the world; and in February, 1793, specifically declared war against England. At that time the British debt was $1,268,668,045, and its annual interest $45,225,304. The population of the United Kingdom was less than twelve millions, including Ireland, —Ireland then, as now, "the tear in the eye of Great Britain," — a source of weakness rather than strength. The spirit of revolution pervaded the kingdom from collieries to court. The throne distrusted the people, and the people were jealous of the throne. In 1794 the Habeas Corpus Act was suspended, against an opposition in Parliament more determined and far abler than its suspension met in our Congress two years ago. In 1796 three and a quarter million Catholics in Ireland were organized to revolt against the government, to be aided by a French fleet of forty sail, with twenty-five thousand French soldiers on board. But for the storm which dispersed the fleet, the revolt must have been successful. In the same year the naval power of England was threatened with dissolution by a widespread mutiny in the fleet. Ship after ship deserted the fleet off Cadiz and in the North Sea. The Channel fleet ran up the red flag of mutiny from almost every masthead, and was drawn up in line of battle across the mouth of the Thames, prepared to sail to London if the demands of the mutineers were not acceded to. It required all the firmness of the king and his government to save the city and the navy. In 1797, oppressed with financial disaster, the Bank of England suspended specie payments, and paper money (an immense circulation of which crowded the country) was the legal currency for twenty-two years thereafter. In that fifth year of the war, as Alison says, —

"Everything seemed to be falling at once. Their armies had been defeated, the Bank had suspended payment, and now the fleet, the pride and glory of England, appeared on the point of deserting the national colors. . . . . The public creditors apprehended the speedy dissolution of government, and the cessation of their wonted payments from the treasury. Despair seized upon the boldest hearts; and such was the general panic that the three per cents were sold as low as forty-five, after having been nearly one hundred before the commencement of the war. Never during the whole contest had the consternation been so great, and never was Britain placed so near the verge of ruin." [1]

All this time France, with frenzied activity and enormous power, was dealing her deadly blows. In Parliament the great Fox was leading a powerful opposition against the government. The record of English divisions would answer for our own. Alison says: —

"So violent had party spirit become, and so completely had it usurped the place of patriotism or reason, that many of the popular leaders had come to wish anxiously for the triumph of their enemies. It was no longer a simple disapprobation of the war which they felt, but a fervent desire that it might terminate to the disadvantage of their country, and that the Republican might triumph over the British arms. They thought that there was no chance of Parliamentary reform being carried, or any considerable addition to democratic power acquired, unless the ministry were dispossessed, and, to accomplish this object, they hesitated not to betray their wish for the success of the inveterate enemy of their country. These animosities produced their usual effect of rendering the moderate or rational equally odious to both parties; whoever deplored the war was reputed a foe to his country; whoever pronounced it necessary was deemed a conspirator against its liberty, and an abettor of arbitrary power." [2]

Against such an opposition and such discouragements, the like of which we have not yet seen, England, with a brave king, a wise ministry, and a courageous Parliament, rose to the level of the great occasion, passed laws both for volunteering and draft, filled the ranks of her army and navy to more than three hundred and fifty thousand men, poured out her wealth with a lavish hand, renewed the great contest, and continued it, not four years, but five times four years longer.

But England saw darker days than those of 1797. In the beginning of 1812 Napoleon had risen to the height of his

[1] History of Europe, 1st ser., Vol. IV. p. 236 (Edinburgh and London, 1860).
[2] Ibid., Vol. IV. p. 141.

marvellous power. The continent of Europe was at his feet. By victorious diplomacy and still more victorious war he had founded an empire which seemed to defy human power successfully to assail it. Every coalition against him had been broken, every alliance had failed. More than half the nations of Europe followed his conquering eagles. From the Vistula to the pillars of Hercules, except the rocky triangle of the Torres-Vedras, where Wellington was held at bay by five times his number under a great Marshal of France, the Continent presented an unbroken front against England. Russia remained in frozen isolation, a spectator of the contest. Only Prussia and Austria followed the lead of England. Let us consider her condition at this second crisis of her fate.

Her population, including Ireland, was about seventeen millions. Her debt had been more than trebled since the beginning of the war, and now reached the enormous sum of $4,000,000,000. Specie payments being still suspended, her paper currency was more than ever expanded. In the beginning of the war, she raised from her mines and coined about $30,000,000 in gold. But the revolution which swept over South America had stopped the working of the mines, so that before the close of the war the annual British coinage was less than $12,000,000. Her navy was crippled by the war, her commerce ruined by the French Decrees and the Non-importation Act of the United States. Her imports exceeded her exports by $65,000,000, and the balance was paid in gold. For two years her harvests had failed, and in 1812 she paid $21,000,000 in gold for foreign grain to feed her people. In that year alone her exports declined $140,000,000. The heavy subsidies to her allies and the payments to her own armies on the Continent were in gold. In 1812 she sent $30,000,000 in gold, for which she paid thirty per cent premium, to Wellington's army in the Peninsula. Her bonds had so depreciated that a loan of £60 increased her debt £100. A short time previous, in the midst of increasing disaster, the reason of the king gave way, and he sat a lunatic on the throne of a kingdom which seemed ready to go down with him in the general ruin. This event added a new and complicated question to the distractions of Parliament, and gave a new weapon to the opposition.

It is not necessary for my present purpose to inquire whether justice leaned to the side of England or her adversary. It is

enough to know that she believed it was on her part a struggle for self-existence and for the constitutional liberty of the world. Inspired with this conviction, she stood like a giant at bay; in high debate she reasserted the justice of her cause, summoned anew, not the frantic energy of despair, but the inexhaustible reserve of calm Anglo-Saxon courage, the unfathomed resources of English faith and English pluck (a proud share of which I trust this nation has inherited), and in the face of unexampled discouragement and appalling disaster, laying under contribution all the resources of her realm, went out again to meet the man of destiny, whose victories were numbered by hundreds, and whose eagles were followed by half the world. Increasing both taxes and loans, she raised and expended for that year $550,000,000. She filled her navy to one hundred and twenty-five thousand men, and before the year had ended six hundred and forty-eight thousand men were arrayed under her banners. Seconded by the indomitable spirit of her people, her armies emerged from the gloom of that nineteenth year of the war, and, marching with unfaltering step through three more bloody years and the carnage of Waterloo, she planted her victorious standards on the battlements of Paris, and gave peace to Europe.

And can we, the descendants of such a people, with such a history and such an example before us, — can we, dare we, falter in a day like this? Dare we doubt? Should we not rather say, as Bolingbroke said to his people in their hour of peril: "Oh, woe to thee when doubt comes! it blows like a wind from the north, and makes all thy joints to quake. Woe, indeed, be to the statesmen who doubt the strength of their country, and stand in awe of the enemy with whom it is engaged!"

At the same period, one of the greatest minds of England declared that three things were necessary to her success: —

1. To listen to no terms of peace till freedom and order were established in Europe.

2. To fill up her army and perfect its organization.

3. To secure the favor of Heaven by putting away forever the crime of slavery and the slave trade.

Can we learn a better lesson? Great Britain in that same period began the work which ended in breaking the fetters of all her bondmen. She did maintain her armies and her finances, and she did triumph. We have begun to secure the approval

of Heaven by doing justice, though long delayed, and securing to every human being in this republic freedom henceforth and forever.

Mr. Speaker, it has long been my settled conviction that it was a part of the Divine purpose to keep us under the pressure and grief of this war until the conscience of the nation should be aroused to the enormity of its great crime against the black man, and full reparation should be made. We entered the struggle, a large majority insisting that slavery should be let alone, with a defiance almost blasphemous. Every movement toward the recognition of the negro's manhood was resisted. Slowly, and at a frightful cost of precious lives, the nation has yielded its wicked and stubborn prejudices against him, till at last blue coats cover more than one hundred thousand swarthy breasts, and the national banner is borne in the smoke of battle by men lately loaded with chains, but now bearing the honors and emoluments of American soldiers. Dare we hope for final success till we give them the full protection of soldiers? Like the sins of mankind against God, the sin of slavery is so great that "without the shedding of blood there is no remission." Shall we not secure the favor of Heaven by putting it completely away?

Shall we not fill up our armies? Shall we not also triumph? Was there in the condition of England in 1812 a single element essential to success which we do not possess to-day? Observe the contrast. Her population was less than seventeen millions; ours is twenty-five millions in the loyal States alone. Her debt was more than $4,000,000,000, its annual interest $161,000,000; our debt is $1,720,000,000, and its annual interest $71,000,000. The balance of trade was $65,000,000 against her; in 1863 the balance was $79,621,872 in our favor. She bought grain from foreign nations to feed her people; we feed our own, and send an immense surplus to foreign markets. Her mines yielded her twelve or fifteen millions of bullion annually; ours are now yielding $120,000,000 a year. More than half of all her payments were made in coin purchased at a heavy premium; we pay nothing in coin but $50,000,000 of our interest, and the salaries of our ministers and consuls abroad. She crossed the sea to meet her enemy on foreign soil; we meet ours on our own soil, in a country that has been ours since the foundation of the republic. She fought to maintain her rank among the nations

of Europe; we fight to maintain our existence among the nations of the earth, and to preserve liberty and union for ourselves and our children's children.

If the example of England fails to inspire us, let us not, I beseech you, forget our fathers of the Revolution. We have seen no day so dark as were whole years in their struggle. We have seen no captures of Philadelphia, no winter quarters at Morristown, no blood-stained snow at Valley Forge. Out of a population of three millions, one quarter of whom adhered to the enemy, they sent to the field 395,892 men, — one for every seven women and children in the States. Were we to double our armies to-day, we should still fall far behind that proportion. Who can compare our resources with theirs, and not blush at the mention of failure, the suggestion of defeat? Do we, with power almost unlimited, with resources as yet untouched, the balance of trade in our favor, every branch of industry flourishing, and everything in its proper place except the Congress of the United States, — do we talk gloomily of the issue of this contest? I believe, sir, that the worth and manhood of a nation must be tried by the same standard that tests the worth and manhood of individual men. We can never know what stuff a man is made of till we see him brought face to face with some desperate issue, some crisis of his life in which he must peril all in one noble effort, or shrink ignobly away into the coward's oblivion. If, summoning all his untried manhood, and flinging into the scale his honor, his fortune, and his life, he goes down to the trial, we know that to him "there 's no such word as fail." So, sir, a nation is not worthy to be saved if, in the hour of its fate, it will not gather up all its jewels of manhood and life, and go down into the conflict, however bloody and doubtful, resolved on measureless ruin or complete success.

> "Si fractus illabatur orbis,
> Impavidum ferient ruinæ."

But no ruin awaits such a nation. The American people have not yet risen to "the height of the great argument," nor will they until those who represent them here are ready with unselfish devotion to walk in the rugged path that leads to victory.

If we will not learn a lesson from either England or our Revolutionary fathers, let us at least learn from our enemies. I have

seen their gallantry in battle, their hoping against hope amid increasing disaster; and, traitors though they are, I am proud of their splendid courage when I remember that they are Americans. Our army is equally brave, but our government and Congress are far behind theirs in earnestness and energy. Until we go into war with the same desperation and abandonment which mark their course, we do not deserve to succeed, and we shall not succeed. What have they done? What has their government done, — a government based, in the first place, on extreme State rights and State sovereignty, but which has become more centralized and despotic than the monarchies of Europe? They have not only called for volunteers, but they have drafted. They have not only drafted, but cut off both commutation and substitution. They have gone further. They have adopted conscription proper, — the old French conscription of 1797, — and have declared that every man between sixteen and sixty years of age is a soldier. But we stand here bartering money for blood, debating whether we will fight the enemies of the nation or pay three hundred dollars into its treasury.

Mr. Speaker, with this brief review of the grounds of our hope, I now ask your attention to the main proposition in the bill before the House, the repeal of the commutation clause. Going back to the primary question of the power to raise armies, I lay it down as a fundamental proposition, as an inherent and necessary element of sovereignty, that a nation has a right to the personal service of its citizens. The stability and power of every sovereignty rest upon that basis. Why can the citizen claim the protection of the government? Because rights and duties are reciprocal, and the government owes him protection only as he gives sanction and power to the law by his personal service and the contribution of his wealth. Hence, in the name of law, he can demand protection. Hence also, in the name of law, his government can demand a contribution from his purse and his personal service. There are two great muscles that move the arm of sovereignty, — the treasury and the army. If a nation has the right to protect itself, it must have the right to use these two powers. It may, therefore, take money from the citizen in accordance with the forms of law. It may take every dollar of every citizen, if so much should be necessary, in order to support and maintain the government.

And if the nation has the right to the citizen's money, has it not equally the right to his personal service? Coercion accompanies the tax-gatherer at every step. The law of revenue rests upon coercion. Without that same coercive power no government could put a soldier into the field. As well might we claim that the legal basis of the treasury is the contribution-box, as that the legal basis of the army is the volunteering system.

I go a step further. Every nation under heaven claims the right to order its citizens into the ranks as soldiers. Great Britain has always held that power behind her volunteering system. In 1798 she made a law, first to offer bounties to volunteers, and then to draft her enrolled citizens into the army. No such thing as commutation was known. Gentlemen talk as though the right to pay three hundred dollars in lieu of personal service was one of the inalienable rights guaranteed to us by the Constitution. They forget that until the 3d of March, 1863, there was never known in this country such a thing as paying money in lieu of personal service. England never indeed had a conscription, but she did provide for a draft. Under the law of 1798, she raised her militia for local purposes, and drafted from the militia into the regular army in the field.

Let us look for a moment at our own history in regard to this subject. How were the three hundred and ninety-five thousand men raised for the war of the Revolution? Every Colony had laws for calling out its militia and compelling them to serve. By a statute of Maryland a citizen was liable to a fine of £10,000 for a refusal to obey the command when ordered into the field. By a statute of Massachusetts as early as 1693, severe punishments were provided for those who refused to turn out for military duty when ordered. The spirit of personal independence and the protection of individual rights were at least as carefully guarded by the founders of the republic as they are by this generation, and yet they never doubted the power of the States to compel the citizen to serve in the field. It makes no matter whether it be done by the President, or the government of a State, the same principle is involved.

I affirm again that every one of the States raised men by draft. It was a presumed common law right. The Constitution of the United States recognizes the same principle by declaring

that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions";[1] and on the 29th of September, 1789, an act was approved (the second military law under the Constitution), giving to the President full power to call forth the militia to protect the frontiers against the Indians. That law was extended by the act of May 2, 1792, so as to give him the power to send the militia beyond the limits of their States. By the act of February 28, 1795, his power was still further extended, and a heavy penalty was affixed for disobedience of the law. In the case of Houston *v.* Moore,[2] and also in Martin *v.* Mott,[3] the Supreme Court decided that the law is constitutional, and that the President has the constitutional power to compel a citizen to do military duty. In the war of 1812 the President called on the States for troops, and when a sufficient number did not volunteer they were obtained by draft. In 1839, when the dispute occurred between this country and England in reference to the boundaries of the State of Maine, a law was passed (March 3, 1839) authorizing the President to call forth one hundred thousand men for six months, a period double the length allowed by former laws. Again, the draft law in the war of 1812 allowed substitutes, but not commutation. The bill before us permits drafted men to obtain substitutes, but not to pay commutation. I say, then, since the beginning of the government, — still further, since the beginning of the Revolution, — still further, since the founding of the Colonies, — the right of sending citizens into the military service has been repeatedly asserted and exercised; and up to the 3d of March, 1863, such a thing as a payment of money in lieu of military service was never known in this country. Gentlemen must, therefore, abandon the claim that in repealing this clause we are interfering with immemorial usage and inalienable rights. Even the law of 1863 did not regard the three hundred dollars as an equivalent for military service. It provided that the three hundred dollars should be paid "for the procuration of a substitute," and was supposed to be a sum sufficient for that purpose. It is now far from sufficient, and the law is even more unjust than at first. If the three hundred dollars would always procure a substitute, the military service would not suffer by retaining the clause.

[1] Art. I. Sect. 8. [2] 5 Wheaton's Reports, 1. [3] 12 Ibid. 19.

But what are the facts? The President, the Secretary of War, our own knowledge of affairs, tell us that, if it be retained, it will be impossible to fill the places of the eighty-five thousand hundred-days men who will go out of service in a few weeks, and of the three-years regiments whose terms of service are every day expiring. Moreover, we must allow something for the waste of battle, the waste of disease, and all the incidents of war. And now, while our armies are advancing gloriously, while our campaigns are prosperous, while there is no immediate cause for alarm, let us look into the future and provide for its emergencies, let us hold up the hands of the President and remove this obstacle from the law, as he recommends. Gentlemen doubt what the people will say and how they will feel. I have learned that the people are braver than their representatives. I would much sooner take counsel of the American people, and especially the American army, than of their representatives when an election is at hand. Would to God there were no Presidential election to cast its shadow over this battle summer, and no Congressional elections overshadowing this House! Perhaps we might then see with clearer vision the interests of the country, and strike toward them with bolder hands. This I do know, that the loyal people have laid up a great oath on the altar that they will never rest till the rebellion is overthrown, and they will take all necessary means to hew their way through to this purpose. I know that the people whom I represent have united their destiny with the destiny of the Union, and will share its fortunes, whatever betide it. I have not asked them, but I believe they will respond cheerfully to this measure. But whatever they may do, I shall strive to remove all obstacles to the increase of the army.

I ask gentlemen who oppose this repeal, why they desire to make it easy for citizens to escape from military duty. Is it a hardship to serve one's country? Is it disgraceful service? Will you, by your action here, say to the soldiers in the field, "This is disreputable business; you have been deceived; you have been caught in the trap, and we will make no law to put anybody else in it?" Do not thus treat your soldiers in the field. They are proud of their voluntary service; and if there be one wish of the army paramount to all others, one message more earnest than any other which they send back to you, it is that you will aid in filling their battle-thinned ranks by a draft

that will compel lukewarm citizens who prate against the war to go into the field. They ask not that you will expend large bounties in paying men of third-rate patriotism, while they went with no other bounty than that love of country to which they gave their young lives a free offering, but that you will compel these eleventh-hour men to take their chances in the field beside them. Let us grant their request, and by a steady and persistent effort we shall in the end, be it near or remote, be it in one year or ten, crown the nation with victory and enduring peace.

THE SALE OF SURPLUS GOLD.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 18 AND MARCH 15, 1864.

ON the 18th of February, 1864, a joint resolution was reported to the House from the Committee of Ways and Means, authorizing the Secretary of the Treasury from time to time, at his discretion, to sell any gold coin in the treasury over and above the amount which, in his opinion, might be required by the government for the payment of interest on the public debt. Mr. Garfield made the following remarks, the first that he made upon a financial subject in the House of Representatives.

MR. SPEAKER, — I propose to detain the House but a few moments on the question before it, as all I wish is to state, as clearly as possible, the conditions of the proposition as they exist in the resolution.

By the present law gold can come into the treasury of the United States through the customs and various other avenues. But there is only one avenue by which it goes out, namely, the payment of the interest on the public debt. There was in the treasury on Saturday last $18,900,000 in gold. It is coming into the treasury at the rate of four or five hundred thousand dollars a day; at the lowest estimate it is four hundred thousand dollars. If this rate continues until the 1st of July next, we shall have $74,107,213.

MR. BOUTWELL. I wish to ask the gentleman whether the Secretary of the Treasury, in his estimate of the receipts and expenditures for the fiscal year 1864–65, does not show that our interest account, which is to be met by the payment of specie, will exceed $85,000,000, while our receipts through the custom-house will amount to but $70,000,000, showing a deficiency for the fiscal year 1864–65 of $15,000,000.

I should have answered the gentleman in my next sentence had he not interrupted me. The Secretary of the Treasury re-

ports that there will become due at various times, ending with the 1st of July next, $23,601,943, to be paid in gold. That is every dollar of coin which the treasury of the United States will be obliged to pay up to that time. Now, there will remain a surplus in the treasury, on the basis of the present receipts, — and the receipts have greatly exceeded the estimates, — on the 1st of July next, of $50,505,270, and, according to the present practice of the government, no disposition of it will be made.

MR. FERNANDO WOOD. I desire to ask the gentleman upon what basis, or upon what data, he estimates the receipts of gold from the custom-house, or any other sources, up to the 1st of July next.

The estimates are based upon what we have been receiving for several months past, and the fact that the months immediately to come are always better than the winter months. I base the estimates upon what we have been receiving from day to day for many weeks. These estimates may be too large, but that would not alter the principle involved. No one doubts that there will be a surplus.

I say, then, that by taking the average, or a sum rather below the present average, — and we have every indication that the average will rather increase than decrease in the coming months, — we shall have on the 1st of July $50,500,000 in gold in the treasury, with no law for paying it out. Now, what is the result? There is, probably, according to the estimates of gentlemen, scattered through the country in the feet of old stockings, locked up in trunks, put away in bureaus, laid away under the heads of beds and in vaults of banks, $200,000,000 of gold. I suspect that to be a large estimate, judging from the statements of trade.

Now, sir, on the 1st of July next one quarter of all the gold in the United States will be locked up in the vaults of the United States Treasury, and lying there as dead matter. Every dollar that goes in there leaves the amount in circulation a dollar less, raises the price of gold, disturbs the market, and disgraces our credit; and yet, because it is locked up in the treasury, and we will not pass a law sending it out, our credit must go down and down, further and further, as Mr. Lamar and his coadjutors in the Rebel States desire it shall go down, and as his coadjutors in the Northern States seem to desire it shall go down. They

are talking in the most anxious manner here — witness the last speech to which we have listened — of returning to a specie basis. Do not gentlemen upon this floor know that no great war was ever waged in modern times with specie? It is one of the settled and inevitable laws of trade, that great wars must be conducted with a paper currency, and not with gold.

Now, why do we ask that this great amount of capital shall be, from time to time, liberated? For the best reason in the world. Generally I would not interfere with the laws of trade; they are as immutable as the laws of nature; but I would now interfere with them because they are not in a natural and normal condition; they are in a condition superinduced by the necessities of war, and it is to counteract this abnormal state of trade that we are disposed to let loose this gold so as to keep up the credit of the government. What has so changed the character of gold? It is hardly to be called the representative of value; it is fast becoming a commodity, instead of a medium of exchange; and if the war continues very much longer it will be merely a commodity, and not a circulating medium. It is well known that, when paper currency comes into general use, it expels gold, and that such is its natural tendency. Our gold is scattered over the border, driven to Canada, sent abroad, and the amount actually in use in the business of the country is so small that, if we reduce it by locking up $50,000,000 in the vaults of the treasury, we shall create a panic that will ruin the business of the country.

The gentleman from Ohio [1] has offered an amendment, that this surplus shall be paid to the soldiers in the field. I remember the political capital that some gentlemen on the other side of the House attempted to make on the subject of paying sailors and soldiers in coin; and I remember a remark which was made, and which what I see in the galleries this morning almost prohibits me from repeating, but that a sense of justice requires that I should repeat. It was charged on the other side of the House, that, if we did not pay our sailors and soldiers in gold, their wives would become prostitutes. I stood here as a man abashed; I stood amazed and ashamed that I belonged to a body in which such an utterance could be made about the loyal women of this country.

Every gentleman upon this floor knows well that it is impos-

[1] Mr. Long.

sible now to return to a specie basis. Every man who has looked into the condition of the country knows that it is impossible, without utter prostration and ruin, to attempt to return to a specie basis at this time. It becomes us, then, to use the gold that we have to keep up the credit of the country, and not to destroy it; and I do not propose to be deterred by references to all those laws and resolutions that have been passed hitherto in regard to the policy of the country.

I am not in such unfortunate circumstances as the gentleman from New York[1] who has just spoken. I am under no pressure from any quarter, from any particular source, from any particular person; I am under no instructions from any man, in office or out of office, how to vote, think, or act upon this subject. I have not been honored with that pressure, and I am therefore free to act as it seems to me the pressure of the country and its interests require; and I ask gentlemen now whether they are willing to help to carry out the scheme of Lamar, of Georgia, to help to reduce the value of our paper currency, until we shall be ruined, as the Southern Confederacy is being ruined, by its finances, rather than by its battles.

There are two elements which decide the question of war. One is military, the other is financial. The man who destroys the finances of a country ruins it as thoroughly as he who destroys its army. It becomes us, therefore, while we replenish our armies on the one hand, to maintain the credit of the treasury on the other. For that purpose I believe this measure is wise. I know it ought to be guarded; and any amendment that will make it more carefully worded, and that will protect us from all chances of fraud or corruption on the part of government officials, I shall be glad to vote for. But I am unwilling that we should defeat the purpose of the resolution, and lock up this money, on the old idea that money locked in vaults is as good as money in circulation.

On the 15th of March following, the measure having been to the Senate and returned to the House, Mr. Garfield made these remarks. As finally adopted and approved, the joint resolution authorized the Secretary of the Treasury to anticipate the payment of interest, and to "dispose of any gold in the treasury not necessary for the payment of inter-

[1] Mr. Brooks.

est on the public debt," provided the obligation to create the sinking fund should not be impaired.

MR. SPEAKER, — I design to detain the House but a few minutes with what I have to say on this subject; but I wish to state what seems to me the present condition of the question. There have been so many things said, we have wandered so far from the proposition before the House, that I wish to restate the question as it now lies before us.

This House passed a joint resolution authorizing the Secretary of the Treasury to dispose of the surplus gold by anticipating the payment of interest on the public debt. There were two principal reasons assigned why we should dispose of this gold: first, that it was accumulating on our hands faster than we had any legal means of using it; and secondly, that, by thus accumulating, it was causing a continually increasing stringency in the gold market, with a consequent rise of price. It seemed therefore just, that, as by law we had interfered with the gold market, we should by law provide for curing that interference. We all recognize the fact, that, if gold continues to advance, it very much injures, not only the people at large, but also the government and its securities. It has been proved by more accurate statistics than we had before us on the 8th of March, when the House acted on this matter, that by the 17th of July next there will be nearly thirty million dollars of surplus gold in the treasury. That has been tested by the most careful estimates possible, not only here, but in the other wing of the Capitol.

Now, Mr. Speaker, three ways for returning this gold into the general circulation have been proposed. The first is by direct sale, — the proposition that comes to us from the Senate. The second is by anticipating the payment of interest. And the third is by creating a sinking fund, as already provided for by law. As to the second and third, I have only a word to say.

To create a sinking fund as provided by law is at present simply an absurdity. I see no wisdom in buying up the bonds of the government when we are now borrowing $2,000,000 a day to meet our current expenses. It makes the government enact the farce of borrowing money of itself. It is true that we are required by law to create a sinking fund, but no one can charge

us with a breach of faith if we refrain from creating such a fund while we are still borrowing. We can repeal that law altogether without any violation of the faith of the country.

Now, suppose we anticipate the interest on the public debt, with or without rebate, as provided by the original bill which passed this House on the 8th instant. Everybody knows that no man would receive prepayment and allow an abatement of interest. Why? Money in the New York market is now worth but little more than five per cent, and of course no man will call in his money drawing a larger rate of interest and immediately reinvest it at a lower rate. Therefore we may as well dismiss from our minds any hope that we can get a rebate by anticipating the interest on our bonds; and the proposition to undertake to pay our debts before they are due, while at the same time we are borrowing money to pay debts overdue, is so absurd that a plain statement of it is its best refutation.

Another objection to the bill as it passed the House is, that the remedy is inadequate to meet the difficulty we seek to obviate. If we conclude to anticipate the payment of interest, the process will be so slow as to have no appreciable effect upon the gold market. It takes weeks to make the small monthly payments of interest as they become due; and if we undertake to pay them before they are due, the process will be still slower, and will utterly fail to bring down the price of gold. Let me read an extract from one of the daily journals, published the morning after the passage of the bill by the House, showing how it was regarded by the commercial men of New York. I read from the New York Commercial Advertiser, of March 9th.

"After four o'clock, the news of the passage of Mr. Boutwell's gold bill reached the market. The bill merely authorizes the Secretary of the Treasury to anticipate the payment of interest on the public debt from time to time, with or without a rebate of interest upon the coupons, as to him may seem expedient. In this amended form it passed, ninety against thirty-four, — a very strong vote, which seems to fix the policy of Congress. This amounts to nothing in the way of relief, since it is of no practical value whether the $3,000,000 due on the 1st of April, and the $15,000,000 due on the 1st of May, are begun to be paid now or then. It will take a month at least to pay the $15,000,000. When $6,000,000 was due on November 1st, it required the whole month to complete the payments, and the price of gold was not affected at all. The Secretary has now the same duty as before, to apply the gold to

the purchase of stock for the sinking fund, a process which would freely deplete the treasury. On the promulgation of the passage of this bill, gold, which had been dull at 163½, immediately rose to 164½, and in the evening sales reached 165¾.

"This morning the assemblage at the gold rooms was prompt, and the opening price was 165¼.

"The demand continued very active, and the rate soon touched 168, when a little reaction set in, and it declined to 167½, and again recovered to 168½ to 168⅝ at 12 M.

"The rate for exchange went up in the same proportion, and sales were made at 181½, but this rate is still lower than gold."

Now see the result. The business men of New York, who are perfectly familiar with the whole subject, took it up, and the moment the bill was passed declared what the result would be. They knew how perfectly futile would be its effect on the price of gold, and up went gold eight or nine per cent in a single day. They saw by how large a majority the bill had passed the House, and they considered that majority an indication that the House would insist upon its action. It seems to me there is a practical lesson, which this House should not fail to profit by, in the consequences which followed our action when this bill was originally passed.

We have, therefore, proposed as a remedy for the present difficulty growing out of the accumulation of gold in the treasury; first, the creation of a sinking fund; next, the anticipation of the payment of the interest on the public debt; neither of which, as I have already shown, is at all adequate to meet the present emergency. We have, then, in the third place, the proposition to place in the hands of the Secretary of the Treasury the power, after reserving in the treasury an amount of gold sufficient to provide for the payment of the interest in coin, to take the large balance, and so wield it as to knock down the price of gold; and if at the same time he knocks down the gold speculators, they will meet a just reward for their presumptuous sins. "Let them not have dominion over us." Sir, it will be a power that can be wielded for good, not only now, but at any time in the future, as the nature of the case may require. I believe that the proposition contained in the amendment of the Senate is, on the whole, the best that we can adopt.

FREE COMMERCE BETWEEN THE STATES.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES,

MARCH 24 AND 31, 1864.

TOWARDS the close of the war, the urgent need of additional railroad facilities between Washington City and the Northern and Eastern States became painfully apparent. January 6, 1864, the House of Representatives created a special committee of nine members, "with authority to examine into the expediency of the establishment of a new route for postal and other purposes" between Washington and New York. Of this committee Mr. Garfield was a member. Various propositions were submitted at that session; but the only one that seriously arrested the attention of the House and the country was a bill reported from the Military Committee, March 9, "to declare certain roads military roads and post-roads." This bill was introduced in response to a petition of the Raritan and Delaware Bay Railroad Company, asking to have their road declared a lawful structure, and a post and military road of the United States. This was the case, as stated by Mr. H. C. Deming, of Connecticut, who introduced the measure and opened the debate, March 17, 1864.

"The petitioners have constructed a railroad from Port Monmouth, near Sandy Hook, to Atsion, which lies nearly east of Philadelphia, and it is connected by the Batsto branch with the Camden and Atlantic Railroad Company. Thus, by means of the road they have constructed, by means of the Batsto branch, and by means of the Camden and Atlantic Railroad Company, they have a railroad constructed from Port Monmouth, near Sandy Hook, to Camden, which is opposite the city of Philadelphia. They have also a steamboat running from the city of New York to Port Monmouth, and a ferry running from Camden to Philadelphia; and thus, by means of their railroads, their steamboats, and their ferry, they have a continuous through line from the city of New York to the city of Philadelphia. In one great emergency of the nation, shortly after the battle of Antietam, when there was a universal panic through the country, when the interests of the republic were most seriously imperilled, this continuous through line from New York to

Philadelphia was able to render great service to the nation, and actually carried over this through line upwards of seventeen thousand troops, and upwards of eight hundred thousand pounds of munitions of war. Shortly after they had performed this great service to the country, a petition for an injunction was brought against them by the Camden and Amboy Railroad Company before the Chancellor of New Jersey; and since this subject has been before the committee, a decree of the Chancellor has been issued in that case, a synopsis of which will be found in the report which accompanies this bill. The Chancellor enjoins the use of the petitioners' road, except for local purposes, and orders that the Raritan and Delaware Bay Railroad Company pay to the Camden and Amboy Railroad Company all sums collected by the former for through business, including the amount received for transportation of troops; and the Chancellor decrees that the petitioners' road has no right to carry or aid in carrying, passengers and freight between New York and Philadelphia. The effect of this decision, as the House will see, is to destroy this road as a continuous through road between New York and Philadelphia. It confines it to local business between Camden and Port Monmouth. It cuts off both ends of the road, cuts off the steamboat transportation on the Raritan Bay, and the ferry upon the Delaware River, thus destroying the road as a continuous through route between New York and Philadelphia.

"Under these circumstances the petitioners come to Congress for relief, praying that their road and its branches, and its accompanying ferries, may be declared lawful structures, and also post and military roads of the United States." [1]

Upon this bill, March 24 and 31, Mr. Garfield made this speech. May 13, the House struck out all after the enacting clause, and inserted the following: "That every railroad company in the United States, whose road is operated by steam, its successors and assigns, be and is hereby authorized to carry upon and over its road, connections, boats, bridges, and ferries, all freight, property, mails, passengers, troops, and government supplies, on their way from one State to another State, and to receive compensation therefor." In this form the bill passed, with the title, "A Bill to regulate Commerce among the several States." A vote on the bill was never reached in the Senate.

But this was not the end of the measure. Early the next session, Mr. Garfield himself reintroduced the bill in the form just given. After being amended, so as to allow railroads "to connect with roads of other States, so as to form continuous lines," and denying them the right "to build any new road, or connect with any other road, without authority from the State in which said railroad or connection may be proposed," the bill passed, and became a law, June 15, 1866. In some remarks

[1] Congressional Globe, March 17, p 1165.

made on December 19, 1865, Mr. Garfield said that the bill was "a plain determination of the right of Congress to regulate commerce between the States," and that it "struck a blow at those hateful monopolies which had been so long preying upon the body of American industry." Kindred topics were discussed by him, May 30 and 31, 1866, in remarks upon the bill to make the Cleveland and Mahoning Railroad a military, postal, and commercial railroad of the United States.

MR. SPEAKER, — Before I proceed to discuss the merits of this bill, I must express my disapprobation of all those remarks, of which we have heard very many since this debate began, respecting the probable motives of the committees and members of this House. Such considerations are wholly unworthy of ourselves and our position.

The gentleman from New Jersey[1] has intimated that the Committee on Military Affairs was not unanimous in its action upon this bill. I should like to know by what authority he makes that assertion. If any member of the Military Committee is opposed to the bill, he can speak for himself. We have also been told that there are outside influences at work here; that the lobbies are full of corporation agents, crowding around us on all hands, and pressing their influences upon the committees and the House. I have only to say, that such remarks are wholly unworthy of this place, and should be condemned as undignified and unbefitting the character of men holding the high place of legislators for the American nation.

The gentleman from Pennsylvania[2] who has just addressed the House stated that New Jersey politics, New Jersey interests, and New Jersey legislation were brought before us and animadverted upon in order to control our action. This is all small-talk aside from the issue, and should not have a feather's weight in determining the action of this body. He treats the Raritan and Atlantic Railroad as a part of a proposed air-line road, and reads us a lesson from the hornbooks of geometry to prove that this broken line of roads does not satisfy Euclid's definition of a straight line. We do not need discussions of that sort to enable us to understand the nature of a monopoly, or our duty as legislators. The question before us is a part of the larger one of increasing the railroad facilities between New

[1] Mr. Rogers. [2] Mr. Broomall.

York and Washington. The considerations which bear upon that question bear also upon this.

It is a notorious fact, that the means of communication between the commercial metropolis and the political metropolis of this country are exceedingly deficient. This cannot be denied. We have it from the Post-Office Department, we have it from the War Department, we have it from the business public, and we have it from the experience of every gentleman who has travelled over this route, or who has had occasion to transport freight over it, — that there can scarcely be found in the United States any two important cities with railroad facilities so inadequate as those between New York and Washington.

It is a fact to which I wish to call the attention of the House, and I have the consent of the committee to which I belong to state it, that, in reply to a letter addressed to him, the Quartermaster-General states that the facilities of the present roads are not sufficient for the transportation of forage for the animals belonging to the Army of the Potomac and the troops about this city. He states officially that it requires three hundred and seventy-five car-loads of long forage and seventy-four car-loads of short forage per day to feed the animals belonging to the army in front of Washington. This does not include transportation of quartermasters' stores. It does not include commissary supplies. It does not include the ordinary necessities of trade in this capital. It includes only this one item, — the supply of the animals of the army, which requires four hundred and forty-nine car-loads of forage per day; all of which must come to the city of Washington over a single track, the only means of access in time of winter to the capital of the nation. A large part of these supplies come over the line between New York and this place. At the time of the ice blockade, on the 1st of January last and the week succeeding, the Quartermaster-General reported that he received but twenty car-loads of forage for a whole week. He should have received seven times four hundred and forty-nine car-loads. The Potomac, and the railroad itself, which in two places crosses an arm of the sea, were blockaded with ice.

The quartermaster further reported, that, if the blockade had continued one week longer, the animals of the army would have been in a starving condition. It stands before this government as a matter of fact, that had the ice remained in the river two weeks

longer, the animals of the army of the Potomac would have perished. You could not have fed your army, you could not have preserved your animals, you could not have maintained your war, if the providence of God had not broken the fetters of winter; for the simple reason that a power not in the hands of the government, but in the hands of a great corporation, holds the key to all communication between this city and the outside world.

Now the question comes, Has this government the right to protect itself? has this nation the right to feed itself? has it the right to feed its army? If it has any of these rights, it has the consequent right to adopt and use the means necessary to accomplish the purpose. No small-talk about New Jersey or Pennsylvania politics, no small-talk about an air line, a broken line, or a curved line, will meet the gigantic fact which stares Congress in the face, that we must feed our army, and to do so must increase our railroad facilities from this place to the outside world, and most of all between this city and the great commercial metropolis of the nation. I pass from this general consideration to the specific one, the bill before us.

MR. MORRIS. The gentleman speaks of obstructions by ice. I wish to inquire whether they will be remedied in the future if this bill is passed. In other words, Is the obstruction on either of the roads in this bill?

I will answer, that the proposed new road, for the construction of which the select committee on that subject has prepared a bill, will be on a line above tide-water, where all the streams can be permanently bridged, thereby avoiding the ice and completely answering the question which the gentleman raises.

I have thus far only stated the fact that we are miserably and notoriously deficient in means of communication between this city and New York; and anything we can do to increase the facilities between this city and that will help the business of transportation.

The legislature of New Jersey has done what, perhaps, it had the right to do. I do not interfere with that, and I do not ask this House to legislate for New Jersey, but for the Union. That State chartered a railroad between New York and Philadelphia, and placed limitations and restrictions in the charter of that road. It provided that no other road should do through business between these two cities. That is the point with which

we have to deal here. Suppose New Jersey had made a law that there should never be any railroad through her territory. If she were isolated, like Florida, she probably might have made such a law without wrong to her sister States, and it could not have been considered an interference with commerce between the States; but if New Jersey, located as she is, had passed such a law, would any one deny the right of the general government to order or permit the construction of a new road across that State for the general good of the country?

Let us take a stronger case. There is one State, — New York, — whose territory cuts the Union in two. Its northern boundary touches the British dominions; its southern, the sea; and it forms the only land connection between New England and the West. Suppose New York should decree that there should forever be no railroads within her limits; then no man in New England could reach the West, except by the sea or through a foreign country. Or suppose, instead of such a law as that, she should declare that there should be but one railroad across her territory, — but one highway between New England and the West; and suppose that that road could do but three fourths of the required business; I ask if that would not be precisely the same as though New York should decree that one fourth of all the necessary business between New England and the West should never be done, and if she would not thus destroy one fourth of all the commerce between those sections of the country? And I ask any gentleman if, in that event, he would not consider it our duty to give the rights of New England and the West a hearing on this floor, — to revoke that decision of New York, and declare that free course should be given to the commerce between the Great West and the New England States? It seems to me that no sane man can doubt it.

A thing precisely similar has been done by the State of New Jersey. She does not span the continent; she does not reach from the ocean to Canada; but she does lie between the political centre and the commercial centre of this country; and it happens to be in her power, if we do not exercise a superior power, to say that there shall be no road, or but one, between those two great cities. She has chosen not to interdict all roads, but to say there shall be no commerce between Washington and New York beyond what one road is able and willing

to carry on. Who will deny that this is, *pro tanto*, an interdiction of commerce, — a decision that all the surplus business over and above what the Camden and Amboy road can do, shall not be done at all? If there is ever offered for transportation over that road one pound of freight more than it can carry, and carry promptly, New Jersey has decided by solemn law that that pound of freight shall not be carried by railroad across her territory. She has absolutely interdicted it. It is to meet this case that the power of Congress is now invoked.

Now, what constitutional powers do we possess in this behalf? If gentlemen will take time to read the very able report of my colleague on the Military Committee, the gentleman from Connecticut,[1] they will see that five distinct times has the Congress of the United States affirmed and exercised the right to establish military and post roads, and to regulate commerce between the States, by permitting the opening of roads and the construction of bridges. And not only so, but on one memorable occasion, fresh in all our recollections, Congress actually annulled a decision of the Supreme Court of the United States on a similar question. The Supreme Court declared the Wheeling bridge a public nuisance; decided that it existed without sufficient warrant of law, and should be removed; and immediately on the rendering of that decision Congress passed a law declaring the structure a lawful one, and part of a post-road, any law of any State or decision of any court to the contrary notwithstanding. Will the gentleman from Pennsylvania[2] who has just taken his seat claim that this was an indignity to the Supreme Court? He says that the legislation now proposed is an indignity to the legislature and the judiciary of New Jersey. New Jersey has risen very high in her dignity if the Congress of the United States can insult her by legislating as it has done five times before. If New Jersey is insulted by this legislation, what will the gentleman say of the Supreme Court of the United States, whose decision was at once revoked by act of Congress? I know of no power on earth that should possess more dignity than the sovereignty of the American people in Congress assembled. I know of no body politic, corporate or national, that can be insulted by the legitimate and constitutional action of this body.

[1] Mr. Deming. [2] Mr. Broomall.

MR. BROOMALL. The gentleman is certainly mistaken in supposing that I claimed the want of power in Congress to make such enactments, or that I stated that the dignity of the State of New Jersey would be insulted. I claimed no dignity for New Jersey, and denied no power to Congress; I merely denied the policy of amending New Jersey legislation by act of Congress.

If the gentleman's statement of his own position be correct,— and of course I accept it, but I distinctly understood him otherwise,— I still do not agree with him that we should never interfere with and amend things that are wrong. I take it to be our special duty here to do justice; and if any State has usurped the prerogatives of this body, it is our duty to correct that injustice by amending or abrogating its action. I am very glad that the gentleman has taken away all suspicion that he denies the power of Congress to legislate on this subject.

Now, what are the facts in relation to this New Jersey railroad? That it is a complete and sweeping monopoly, no man can deny. That it has furnished the revenues and paid the expenses of that State for many years, is undeniable. Not a dollar of tax for the current expenses of her government did New Jersey levy for years until the war began. The Camden and Amboy Railroad Company has paid $2,600,000 into the treasury of the State since it received its charter. And that has been collected, not on the local business, but on the through business from Philadelphia to New York, nine tenths of it the business of persons not citizens of New Jersey. Disguise it under any color you please, New Jersey's taxes have been paid by citizens of other States. Her burdens have been borne by citizens of Pennsylvania, of New York, of the West, of New England, and not by her own citizens.

It is very true that, if a citizen of New Jersey chances to be in Philadelphia, and buys his ticket to New York, he pays his ten cents of tax to the State; but it is also true that, if his journey is wholly within New Jersey, he pays less per mile than he would as a through passenger. This has been a crying shame before the people of the country. Men of justice and equity have condemned it everywhere. I say it without any ill feeling toward New Jersey or her people. It has brought a cloud over the fair fame of the State, which, were I a representative from the State, I should be the first to desire to see removed.

Now, what is the purpose of the bill before us? A line of

road has been constructed from Raritan Bay to Philadelphia, or rather to the middle of the river, opposite Philadelphia. The Supreme Court of New Jersey has decided, first, that the road is a legal structure. Let that be noted. But it has also declared, that, although the road is a legal structure, no man can ride over it; that no freight can be carried over it from Philadelphia to New York. The court has sealed up the two ends of the road. It has sealed it at the middle of the river opposite Philadelphia. It has sealed it at high-water mark, on Raritan Bay. Now, what is asked of Congress? We are asked to commence at the State line and unseal one end of the road; and we are asked to go to high-water mark, at the boundary of the ocean, which is under our exclusive jurisdiction, and unseal the other end of the road. That is what we are asked to do.

But I am informed that the morning hour has expired. I have a few more words to add when the consideration of this bill is resumed.

ON the 31st of March the debate was renewed, and Mr. Garfield continued as follows: —

MR. SPEAKER, — When this subject was last before the House, I submitted a few remarks, but the morning hour expired before I concluded. I then undertook to show, by the reports of the Quartermaster-General and the Postmaster-General, that our communications between this city and the city of New York are notoriously insufficient for the wants of the government and the general public. That statement was demonstrated by quotations from official reports. I then made the point that, if any State prohibited the construction of more than one line of communication, and that line was not sufficient for all the business required, it was, *pro tanto*, an inhibition of transportation across that State. I showed conclusively, I think, that such was the fact in regard to transportation across the State of New Jersey, and the prohibition which now exists is, in fact, a refusal to grant the necessary rights of transit across the territory of that State, and a direct interference with commerce between the States.

I know that the gentleman who preceded me[1] stated that, while he was in favor of an "air line," or direct route across New Jersey, he was not in favor of an "elbow line," or circuitous route. I answer, if the route is a circuitous one, and less

[1] Mr. Broomall.

eligible for the purposes of commerce, it cannot be competitive unless transportation by the usual route is insufficient. If you allow that the present road is insufficient, why not permit the use of a circuitous road rather than cripple the commerce of the country? But the new road *is* competitive, because the old one is not sufficient. The government has transported over the elbow "route," during the past season, 31,394 United States troops, 620 horses, and 108 car-loads of baggage for the troops thus transported. The road *is* a competitive route, and a New Jersey court has so decided. Why competitive? Because, in railroad travelling, time is a more important element than distance, and the running time of the new road between Philadelphia and New York is ten minutes less than that of the Camden and Amboy between the same places. It is true the distance is twenty-three miles greater, yet, because of the sparsely settled country through which it passes, there are fewer stopping-places, fewer hindrances to travel, and hence it is a quicker route. It does its business more rapidly and promptly than the Camden and Amboy.

The present monopoly complains that greater facilities for transportation have been afforded to the American people. It has itself furnished testimony of its own inability to meet all the demands of commerce. In a document which its directors have circulated among the members of this House, they attempt to show that they have filled all orders promptly and thoroughly. One of their own witnesses, however, a captain in the army, says: —

"In answer to the several interrogations contained in the pencil memorandum which you handed me yesterday I have to state as follows, viz.:—

"Fourth interrogation. — Camden and Amboy Railroad could have carried more troops at any time than were offered. I have no means of knowing how many troops could have been carried if the whole facilities of that road had been given to the government; but the demands at times have been very heavy, probably more than any one road in this or any other country could have met without considerable delay. Troops have often been sent by steamer to Washington to relieve the railroads.

"D. STIMSON,
Captain and Assistant Quartermaster."

Who is it that complains of the increased facilities of the new road? Who comes into court and claims to be aggrieved? It is the Camden and Amboy Railroad, and no other.

I hold in my hand a book which ought to be called the Register of Greatness and Official Dignitaries, or rather the Blue Book of the State of New Jersey. It is a collection of the official reports of the Camden and Amboy monopoly from the formation of the company to the present time, and I venture to say that such another book cannot be found in America. The monopoly has taken New Jersey under its protection. It praises, admonishes, or censures New Jersey, according as she follows or disregards the standard of the Camden and Amboy monopoly's theory of political economy. I venture to say that a parallel to the records of this book cannot be found in the history of the republic. I will present some of the facts which it contains.

In 1846 the monopoly issued an address to the people of New Jersey. It tells them that New Jersey is vastly superior to her sister States in the management of public concerns; it goes on to say that Pennsylvania and New York have foolishly expended money in public improvements and developing their material wealth, and then concludes, with an air of triumph, as follows: "New Jersey has no coal lands or salt springs to be converted into monopolies; but she has a most enviable geographical position in the Union, which it is her duty to improve for the benefit of her citizens. She has done so in the manner deemed most advisable and profitable, and has reason to be proud of the wisdom which dictated her policy."

She has "improved her geographical position" by creating a sweeping monopoly, and taxing all freight and passengers between the great commercial cities of Pennsylvania and New York. The monopoly congratulates New Jersey on her cunning device to raise taxes without cost to herself.

This monopoly is sometimes as "'umble" as Uriah Heep, and at others as proud as Lucifer. When it wants favors from the legislature of New Jersey, it is very humble; but when the State wants favors from it, it is exceedingly haughty. In 1860, the monopoly came before the country for a loan of $6,000,000. To secure it on reasonable terms it became necessary to exhibit the resources of the company. To do this, the company issued one of its proclamations to the people of New Jersey. Let it be remembered that this monopoly tells the people of New Jersey that it relies chiefly on New York and Philadelphia for the money it makes. It exhibits the condition of the joint companies as follows: —

"1. The peculiar advantage of their geographical position. 2. The extent and number of railway lines now belonging to the joint companies, compared with their single line of sixty-one miles in 1834. 3. The revenues of the companies now, compared with the estimate of probable revenue in the infancy of their enterprise.

"The cities of New York and Philadelphia, which are connected together by our canal and railways, are still in advance of all other cities in the United States in wealth, population, and commercial advantages. It has been upon their growth and prosperity that we have chiefly relied for revenue and its progressive increase. This reliance has not been indulged unwisely.

"In 1834 the net income of the company was $450,000. By reference to the annual sworn report of the State Directors, made in January, 1860, to the legislature of New Jersey, it will be seen that the net income of the Camden and Amboy Railroad Company from their different through lines of railway was $911,242, and that of the canal company was $335,129; in all, $1,246,371; being nearly three times greater in amount than the original estimates of income in 1834. . . . .

"The population of the United States doubles in a little over twenty-three years, and that of the cities of New York and Philadelphia in about eighteen years; but the revenues of the joint companies increase in a ratio exceeding that of the increase of the population of New York and Philadelphia; and when in twenty-five years New York and Philadelphia may each contain two million people, and the United States sixty million, the annual revenues of the joint companies may be safely estimated at $5,000,000.

"It is no exaggeration to say, that there is not on the continent of North America any railway or canal franchise so valuable as that of the joint companies. They possess a capacious canal, itself worth more this day than the whole amount which we propose to borrow upon the security of the united companies.

"They are proprietors likewise of one entire through line, and of two thirds of a second line of railway connecting two great cities, the commercial emporiums of the Western world. They have a controlling property also in a line of railway, more than one hundred miles in extent, reaching into the coal and iron fields of Pennsylvania, the products of which annually augment with the unbounded demand, which is ever in advance of their supply.

"The interest of the State of New Jersey is identified with that of the joint companies, as we have said before, and she is relieved from the necessity of imposing any State tax by the ample revenue which she derives from the companies.

"New Jersey is distinguished for the conservative character of her people and her legislation; and when her citizens have invested their

capital in works designed for the public benefit, she has always refused to impair the value of franchise devoted to such objects by the creation of a rival. Efforts indeed have, within the past thirty years, been sometimes made to induce the legislature of New Jersey to grant charters for rival railroads, but invariably without success. What could not be done when, in the infancy of the companies, the revenue of the State derived from them was small, need excite no apprehensions now, when the whole expense of the State government is provided for from the income furnished by the business of our railroads and canal."

Was ever anything so barefaced? The monopoly comes here boasting of wealth unprecedented, of rights and franchises unparalleled, and of drawing its chief wealth from citizens outside of New Jersey, because that State has a geographical position which enables her to make money out of the cities of other States! And this is the party which comes here and asks us to forbid the Raritan road to exercise the right of transportation between New York and Philadelphia!

How have the joint companies managed their matters and made their money? The charter of their road prohibited them from charging more than three dollars for a passenger fare between Philadelphia and New York, and yet from the year 1835 to 1849 they charged four dollars in the face of the law. In 1842, however, the legislature of New Jersey determined that one half of all that the company charged above three dollars should be paid into the treasury of the State; in other words, the State said to the company, "If you *will* steal, give us half the stealings; we really cannot prevent you, but if you are bound to do it, give us half the proceeds." But they never did even that.

I will call the attention of the House to another fact. This line of roads between New York and Philadelphia is ninety miles long, and the passenger fare is now three dollars. I desire to compare this with some other rates of fare as I find them quoted in a daily journal: New York to Philadelphia, 90 miles, $3; Hudson River to Rhinebeck, 91 miles, $1.80; Harlem to Albany, 154 miles, $3; Erie to Port Jervis, 87 miles, $2.10; Lackawanna to Stroudsburg, 90 miles, $2.55; New Haven and Hartford to Meriden, 94 miles, $2.34; New Haven and New London to Guilford, 94 miles, $2.35. All these routes save one are longer than the Camden and Amboy, and some of them charge but a little more than half the fare. The road from Harlem to Albany is one hundred and fifty-four miles long, and charges just three

dollars, while this New Jersey monopoly charges the same for ninety miles.

The companies have violated all the common laws of wholesale and retail trade. It is generally understood that a pound of coffee costs more *pro rata* than a thousand pounds. But if you travel ten miles in New Jersey, you are charged less per mile than if you travel ninety miles. The local rates within the limits of the State are not half so great as the through rates between New York and Philadelphia. It is by this kind of outrageous violation of all the laws of trade that New Jersey has made money out of this country.

Now what does this monopoly ask? Here is the prayer its attorney makes to the Chancellor of New Jersey: —

"My first point was that the road had been used, by their own admission, for the transportation of soldiers and munitions of war; the fact that they allege as an ample and sufficient excuse, is that this was done by order of the Secretary of War. I insist that, no matter by whose order it was done, it was a transportation of passenger and freight by railway across the State and between the cities, in every sense of the words. . . . . By which New Jersey is robbed of her tax of ten cents on each passenger. . . . . I say it is no defence whatever, if they have succeeded in obtaining an order of the Secretary of War, when we call upon them to give us the money they made by it; and that is one of our calls. They have no right to get an order to deprive the State of New Jersey of the right of transit duty, which is her adopted policy."

In other words, this gigantic monopoly, that reaches into the heart of Pennsylvania and other States and draws its life-blood from them, demands that the new road, which has served the government in the transportation of troops and munitions of war, shall pay over all its earnings to its grasping rival.

What answer did the Chancellor of New Jersey make to this demand? I have it here.[1] He decided, in the first place, that the Raritan road is a legal structure from Camden to Port Monmouth, — from the western to the eastern line of the State. In the next place, that no passengers or freight shall be taken over it from Philadelphia to New York. What kind of a decision is that? Is not New Jersey thus legislating for New York and Philadelphia? She says that a man may go by this route from one border of the State to the other, but not beyond. The road is a legal one, but no man can pass over it and across the State

[1] See N. J Eq. Reports, 1 Green, 321-382.

without robbing her of her ten cents tax! That is the decision of New Jersey; and if it is not legislation for New York and Pennsylvania, there can be no such thing as interference with the legislation of other States. Under the Chancellor's decision, the Raritan company has been compelled to instruct its agents to sell no tickets unless they know, of their own knowledge, that the party purchasing is not going *through* the State. The result is to destroy at least one third of the local business; but the company is compelled to do it to save itself from further injunction.

It has been asked why this matter comes here. Because, in obeying the orders of the Secretary of War in transporting troops and munitions of war, the Raritan road has been wronged; and it comes to the Congress of the nation for redress. The Military Committee has recommended that it shall have redress.

I believe no gentleman here will deny that Congress has ample power to establish military and post roads, to maintain the government, and feed its armies. But there is another power which should not be overlooked. I mean the power to regulate commerce between the States. That power has been repeatedly declared by the courts to reside exclusively in the Congress of the United States. It was so decided in Gibbons *v.* Ogden,[1] in the Passenger Cases,[2] and in the Wheeling Bridge Case.[3] It is a decision so frequently made that no gentleman of any legal learning will risk his reputation by a denial of it.

But, Mr. Speaker, we have something more than the mere statement of the right. We have the admission of the State of New Jersey that Congress has this right; and if any person or any power on earth may come in to deny it, New Jersey is by her own act forever estopped from making that denial. I call your attention to a law of New Jersey passed February 4, 1831. In the sixth section of that act she says: —

"*Be it enacted*, That when any other railroad, or roads, for the transportation of passengers and property between New York and Philadelphia, across this State, shall be constructed and used for that purpose, under *or by virtue of any law of this State or the United States, authorizing or recognizing said road*, that then and in that case the said dividends shall be no longer payable to the State, and the said stock shall be re-transferred to the company by the treasurer of this State."

[1] 9 Wheaton, 1. [2] 7 Howard, 283. [3] 13 Howard, 518, and 18 Howard, 421.

This law required the acceptance of the company to make it valid, and the company did accept it four days after its passage. A solemn compact — New Jersey is addicted to the use of that word — was thus made between the State and the company, that when Congress shall see fit to authorize and establish a road, or to recognize one already established, then the Camden and Amboy Company shall lose its special privileges. The parties not only admit that Congress may do it, but they unite in a solemn compact in which that very action of Congress is a condition. That, sir, is the thing I desire Congress now to do; when it is done, the monopoly will be dead forever.

New Jersey took another step in the same direction in 1854. She extended the monopoly charter ten years. The law by which it is extended is prefaced by a most extraordinary preamble, and that may be thus summed up: "Whereas the legislature of New Jersey has granted to the Camden and Amboy Railroad Company special and exclusive privileges, in consideration of," etc., etc. . . . . "And whereas the extinguishment of these privileges is a matter of great public importance: Therefore, Be it enacted," etc.

Mark that! The extinguishment of these privileges is a *matter of great public importance;* therefore *we extend this monopoly for ten years!* I do not very much admire the logic of this law, but I do admire the preamble exceedingly. It acknowledges, by the voice of New Jersey, that it is a matter of great public concern that this exclusive privilege shall be extinguished. I hope Congress will listen to the desire of New Jersey, and aid her in this good work.

Since this bill has been before us, and since I last had the honor to address the House, we have heard from the Governor and the legislature of New Jersey in regard to this bill. I ask the indulgence of the House while I read some portions of the proclamation of his Excellency.

"In the consideration of this question two inquiries naturally arise: First, would the proposed action of Congress, if consummated, affect the pecuniary interest of this State? Secondly, and *chiefly*, would such action infringe upon the sovereignty of the State? . . . .

"It is for you to inquire whether the proposed action of Congress would affect the interest of the State in the stock, dividends, or transit duties derived from said companies.

"But the pecuniary interest of the State is of little importance in com-

parison with the principle involved, and I therefore direct your attention particularly to the second inquiry, before mentioned. New Jersey is a sovereign State, and it is our duty, by every lawful means, to protect and defend her sovereignty, and to transmit unimpaired to posterity all her rights as they were received by her from our fathers. In the exercise of her rightful powers she may build, maintain, and manage lines of public travel within her territory, and she may grant to others the right to contract works under such regulations and upon such conditions as she may see fit to impose. When the States entered into the national compact they yielded to the general government the right to establish post-roads for the conveyance of mails, and power to construct military roads in time of war, for the purpose of transportation of troops; but even these roads must be operated by the government, and not through the agency or for the benefit of private corporations. A law of Congress to exceed the powers granted by the States infringes upon the reserved rights, and detracts from the State legislatures a portion of their rightful authority.

"Let it be distinctly understood by those who would inflict an indignity upon our State, that while New Jersey will comply with every legal obligation, and will respect and protect the rights of all, she will not permit any infringement of her rights without resorting to every lawful means to prevent it.

"JOEL PARKER."

Mr. Speaker, this lifts our subject above corporations and monopolies to the full height of a national question; I might almost call it a question of loyalty or disloyalty. His Excellency will find his political doctrines much more ably and elegantly stated in Calhoun's nullification teachings of 1833, than in his own message.

He says New Jersey is a sovereign State. I pause there for a moment. I believe that no man will ever be able to chronicle all the evils that have resulted to this nation from the abuse of the words "sovereign" and "sovereignty." What is this thing called "State Sovereignty"? Nothing more false was ever uttered in the halls of legislation than that any State of this Union is sovereign. Refresh your recollections of "sovereignty" as defined in the elementary text-books of law. Speaking of the sovereignty of nations, Blackstone says: "However they began, by what right so ever they subsist, there is and must be in all of them a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or rights of sovereignty, reside."

Do these elements belong to any State of this republic?

Sovereignty has the right to declare war. Can New Jersey declare war? Sovereignty has the right to conclude peace. Can New Jersey conclude peace? Sovereignty has the right to coin money. If the legislature of New Jersey should authorize and command one of its citizens to coin half a dollar, that man, if he obeyed, would be locked up in a felon's cell for the crime of counterfeiting the coin of the real sovereign. Sovereignty makes treaties with foreign nations. Can New Jersey make treaties? Sovereignty regulates commerce with foreign States, and puts ships in commission upon the high seas. Should a ship set sail under the authority of New Jersey, it would be seized as a smuggler, forfeited, and sold. Sovereignty has a flag. But, thank God! New Jersey has no flag, Ohio has no flag. No loyal State fights under the "lone star," the "rattlesnake," or the "palmetto-tree." No loyal State has any flag but the "banner of beauty and glory," the flag of the Union.

These are the indispensable elements of sovereignty. New Jersey has not one of them. The term can be applied only to the separate States in a very limited and restricted sense, referring mainly to municipal and police regulations. The rights of the States should be jealously guarded and defended. But to claim that sovereignty in its full sense and meaning belongs to the States, is nothing better than rankest treason.

Look again at this document of the Governor of New Jersey. He says the *States* entered into the *national compact.* National compact! I had supposed that no Governor of a loyal State would parade this dead dogma of Nullification and Secession, which was buried by Webster on the 16th of February, 1833. There was no such thing as a sovereign State making a compact called a Constitution. The very language of the Constitution is decisive: "We, the people of the United States, do ordain and establish this Constitution." The States did not make a compact to be broken when any one pleased, but the people *ordained* and *established* the Constitution of a sovereign republic; and woe be to any corporation or State that raises its hand against it!

The message closes with a determination to resist the legislation here proposed. This itself is another reason why I ask this Congress to exercise its right, and thus rebuke this spirit of

nullification. The gentleman from Pennsylvania[1] tells us that New Jersey is a loyal State, and thousands of her citizens are in the army. I am proud of all the citizens of New Jersey who are fighting in our army. They are not fighting for New Jersey, nor for the Camden and Amboy monopoly, but for the Union, as against the nullification or rebellion of any State. Patriotic men of New Jersey in the army and at home are groaning under this tyrannical monopoly, and I hold it to be the high right and duty of this body to strike off their fetters.

Congress has done similar work before. It did it in the case of the Wheeling Bridge across the Ohio. There is a still stronger case. A corporation spanned the Ohio River at Steubenville under a charter granted by the State of Virginia, but with conditions appended which could not be fulfilled. The corporation came to Congress, and asked that the bridge might be declared a legal structure and part of a post-road. By solemn law Congress declared it to be a post-road; and no law of the State of Virginia or of the State of Ohio to the contrary can interfere with it. We have used this power hitherto, but we have never before been called upon to exercise it in any case so deserving as that which gave rise to this bill.

[1] Mr. Broomall.

CABINET OFFICERS IN CONGRESS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 26, 1865.

ON the 8th of February, 1864, Mr. G. H. Pendleton introduced into the House of Representatives a joint resolution to provide that the heads of the Executive Departments might occupy seats on the floor of that body, which was twice read, and referred to a select committee of seven. April 6, the measure came back from the committee amended, and accompanied by majority and minority reports. Then the subject was recommitted to the committee, and a motion to reconsider the recommitment entered. May 30, the special committee was, by resolution, continued during the present Congress. At the next session, the subject was discussed on the motion to reconsider. The resolution as amended contained these sections: —

"That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney-General, and the Postmaster-General, shall be entitled to occupy seats on the floor of the House of Representatives, with the right to participate in debate upon matters relating to the business of their respective Departments, under such rules as may be prescribed by the House.

"That the said Secretaries, the Attorney-General, and the Postmaster-General shall attend the sessions of the House of Representatives, immediately on the opening of the sittings on Mondays and Thursdays of each week, to give information in reply to questions which may be propounded to them under the rules of the House."

The Committee also recommended certain amendments to the Rules of the House, deemed necessary to carry the above provisions into effect (see Congressional Globe, January 25, 1865). The next day Mr. Garfield delivered the following speech, in immediate reply to Mr. S. S. Cox, of Ohio. On March 3, the resolution was laid aside informally, and no action was had.

MR. SPEAKER, — I will not detain the House long on this subject. I know how difficult it is to get the attention of members to the consideration of a grave measure when they have just attended a place of amusement. I know how ungrateful a task it is to attempt to recall their attention after the exhibition to which the gentleman from Ohio[1] has treated them. The gentleman's speech sufficiently proves that he has read his law on the subject from Sergeant Buzfuz, and his constitutional and legislative history from Tittlebat Titmouse, to whom he has just referred; for certainly the history of legislation, as reflected in the Journals of Congress, gives no support to his position.

I am glad, Mr. Speaker, that we can, for once, approach the discussion of a measure on its own merits, uninfluenced by any mere party considerations. I wish we might, in the discussion of this subject, be equally free from that international jealousy, that hereditary hatred, so frequently and unreasonably manifested against Great Britain. I have noticed on the faces of members of the House a smile of satisfaction when any speaker has denounced the proposal to copy any custom of, or borrow any experience from, the government of England. No man on this floor is more desirous than myself to see this republic stand erect among the nations, and grant to and exact from Great Britain equal justice. I fully appreciate how little friendship she has shown us in our great national struggle, yet I will not allow my mind to be so prejudiced as not to see the greatness, the glory, and the excellence of the British constitution. I believe that, next to our own, the constitution of Great Britain stands highest for its wisdom and its security to freedom of all the constitutions of the civilized world; and in some respects it is equal or superior to our own. It does not become us, therefore, to set it aside as unworthy of our study, of our careful observation. Gentlemen should not forget that, in the days of George III., England, as well as America, emancipated herself from the tyranny of kingly prerogative; and it may be well questioned whether the two streams that sprung from that great struggle have not been flowing in parallel channels of equal depth and greatness, one on this continent and the other in the British islands. It may well be doubted whether there is not as much popular freedom in the kingdom of Great Britain as in

[1] Mr. Cox.

this republic, and more Parliamentary security. A gentleman who has lately crossed the sea, a man of great ability and a philosophic observer, has said to-day that the British ministry is nothing more or less than "a committee of the House of Commons." I believe that he describes it correctly. I believe that no nation has a ministry so susceptible to the breath of popular opinion, so readily influenced and so completely controlled by popular power, as is the ministry of Great Britain by the House of Commons. Let one decisive vote be given against the plans of that ministry, and it is at once dissolved. It exists by the will of the House of Commons. How does this come about? From the fact that, at the very time that we emancipated ourselves from the kingly prerogatives of George III., Parliamentary reforms in Great Britain emancipated that nation and established Parliamentary liberty in England. It does not, therefore, become gentlemen to appeal to our ancient prejudices, so that we may not learn anything from that great and wise system of government adopted by our neighbors across the sea.

In the consideration of this question I shall touch upon three leading points: first, the precedents from our own history; second, the constitutionality of the proposed measure, as exhibited in the early discussions and laws; and third, the policy of the measure.

The precedents cited by the gentleman from Ohio,[1] the chairman of the select committee, in his very able report, establish beyond all question that, in the early days of the republic under the Constitution, the heads of Departments did come upon the floor of Congress and make communications. No man, I believe, has denied that; I think no gentleman can successfully deny it. My friend from Vermont,[2] if I understand him, denies that they did more than to meet the Senate in executive session. I am glad to see that the gentleman assents to my statement of his position. I will now cite two examples where the head of a Department came on the floor of the House and made statements. If the gentleman will turn to the first volume of the Annals of Congress, he will find the following entry under date of August 7, 1789: "The following message was received from the President of the United States by General Knox, the Secretary of War, who delivered therewith sundry

[1] Mr. Pendleton. [2] Mr. Morrill.

statements."[1] Some gentlemen may say those statements were in writing. I ask them to listen a little further: "who delivered therewith sundry statements *and papers* relating to the same." So the Secretary of War came to the House of Representatives and made statements.

MR. MORRILL. I will say to the gentleman from Ohio, that I take that to mean nothing more than what the private secretary of the President now does every day. At that time the President of the United States had no private secretary, but he used the members of the Cabinet for that purpose, and for that purpose here only.

I should like to ask my friend from Vermont whether the private secretary of the President makes any statements except the mere announcement of the message which he delivers?

MR. MORRILL. I take it that that was all that was contemplated then. We daily have communications from the President, containing more than one document, statement, or paper.

My friend from Vermont has assisted me. He now makes the point that the expression "statements," here referred to, is merely the announcement of a message. I call his attention to the second case which I will cite from the same volume. On the 10th of August, 1789, the President sent in a message by the hands of General Knox, "who delivered the same, together with a statement of the troops in the service of the United States."[2] He made to the House of Representatives statements about troops in the service, so that the statements referred to are not merely statements of the fact that he delivered a message from the President.

MR. MORRILL. I do not like to interrupt the gentleman from Ohio, but I must insist that his second instance does not prove the fact which he assumes. He will find, if he will proceed further on in the same volume, that when the question came up distinctly upon allowing the Secretary of the Treasury to come in here for once, and once only, it was then declared that it would be setting a new precedent, one which they could not tolerate, and which they did not tolerate, but voted down after discussion.

The gentleman has helped to pioneer my way handsomely thus far. I shall consider the very example to which he refers, and which I have examined with some care, under my second point, — the discussions in the Congress of the United States

[1] Page 709. [2] Page 716.

touching the constitutionality of the proposed law. There were discussions at five different periods in the history of Congress, and only five, so far as I have found, touching this general subject.

The first occurred in the First Congress, when it was proposed to establish executive departments. On the 19th of May, 1789, Mr. Boudinot, of New Jersey, moved that the House proceed, pursuant to the provisions of the Constitution, to establish executive departments of the government, the chief officers thereof to be removable at the will of the President. Under that resolution arose a full discussion of the nature of the offices to be created, by whom the officers were to be appointed, and by whom removed. The discussion covers forty or fifty pages of the volume before me, and embraces some of the very ablest expositions of the Constitution to be found in the early annals of Congress. After this long discussion the following results were arrived at, which will answer some of the points just made by my colleague from Ohio.[1] First, it was decided that the departments were to be established by Congress, and the duties and general scope of powers vested therein were to be established by law; but the incumbents of these offices were to be appointed by the President, and removed at his pleasure. It was clearly determined, in the second place, that these officers could be removed in two ways: first, by the President; second, by impeachment in the usual modes prescribed in the Constitution. It was thus settled, in this great discussion, not, as is said by my colleague who has just taken his seat, that Cabinet ministers are the creatures of the President and responsible to him alone, but that their very Departments and their whole organization depend in every case upon the law of Congress, and they are themselves subject to impeachment for neglect of their duties, or violation of their obligations, in those offices.

The second discussion occurred in the same year when the Treasury Department was established, and in that instance the discussion became more precise and critical, bearing more nearly upon the particular question now before us. A clause was introduced into the law establishing the Treasury Department, providing that the Secretary of the Treasury should be directed to prepare plans for the redemption of the public debt, and for all the different measures relating to his Department;

[1] Mr. Cox.

and "that he shall make report, and give information to either branch of the Legislature, in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office." The debate took a very wide range. It was objected by several members that the provision was unconstitutional, on the ground that the House was the only power authorized to originate money bills, and that such an enactment would put that power in the hands of the Secretary of the Treasury. A very long discussion ensued on what was meant by "originating a bill." Some contended that to draft a bill was to originate it; others, that no proposed measure was a "bill" until the House had passed it; while others again said that it was a bill whenever the House authorized it to be introduced. Finally it was determined that there was nothing incompatible with the Constitution in allowing the Secretary of the Treasury to report plans and prepare drafts of bills. It was thus settled, and has been the policy of the government till the present day, that the Secretary of the Treasury may properly draft bills and prepare plans and present them to Congress. And it is still a part of our law, — I have the provision before me, — "that the Secretary of the Treasury shall make report, and give information to either branch of the Legislature, in person or in writing, as may be required." Let it be understood that in the First Congress of the United States a law was passed, — approved, Sept. 2, 1789, by George Washington, acted upon before in the House and in the Senate by the men who framed the Constitution, — which law provided that it should be the duty of the Secretary of the Treasury to report his plans in writing or in person, as either House might require.

MR. MORRILL. I desire to ask the gentleman a question. When the Secretary had made out his plan in pursuance of the resolution by which he was authorized to make it, did not the House, on the very first occasion when it could take action on the subject, distinctly discuss the question, and refuse him the privilege of reporting in person?

I am coming, in a moment, to that precise point. The whole question of the undue influence which it might give to the executive Departments to allow Cabinet officers to make their reports was fully examined; and after the fullest and freest discussion, which, even in a condensed form, covers some twenty

pages of the book before me, the measure was passed without even a division, and became the law of the land.

I now come to the point to which the gentleman from Vermont has referred, — the third of the five discussions. On the 9th of January, 1790, the House received a communication from the Secretary of the Treasury stating that, in obedience to their resolution of the 21st of September previous, he had prepared a draft of a plan for funding the public debt, and was ready, at their pleasure, to report, — it being settled in the law, as I have already said, that he should report in person or in writing, as he might be directed. The question was discussed, as the gentleman from Vermont noticed in his examination of the case yesterday. Mr. Gerry moved that the report should be made in writing. The question, whether it should be made in writing or orally was discussed, and the chief argument used in the case was, that it would be impossible for members of Congress to understand it unless it was reduced to writing, so that they could have it before them. It was also said that the scope and bearing of the whole report would be so extensive that the human mind could not comprehend the whole of it, unless they could have it before them in a permanent shape. It was conceded by several who spoke, that the House could have the report made in writing, or orally, or in writing with accompanying oral explanations. The constitutional doubt was not suggested in that discussion. It was decided, without a division, not that the Secretary should not be permitted to come into the House, but that his report should be in writing. The law still stood, as it now stands, that he shall report in person or in writing, as either House may direct.

The fourth discussion related to the defeat of General St. Clair. I will remind the House of the history of that case. In 1791, St. Clair was ordered to lead an expedition against the Indians in the Northwestern Territory; his army was disgracefully defeated; the case was referred to General Washington, who declined to order a court of inquiry; and the subject was taken up in the House of Representatives, and on the 27th of March, 1792, a committee was ordered to inquire into the causes of the failure of the expedition. On the 8th of May following, the committee made a report which reflected severely upon the Secretary of the Treasury and the Secretary of War. On the 13th of November, 1792, a resolution was introduced into the

House to notify the two Secretaries that on the following Wednesday the House would take the report into consideration, and that they might attend. After a considerable discussion, the resolution was negatived, and it was resolved to empower a special committee of the House to send for persons and papers in the case. On the following day the Secretary of War, General Knox, addressed a letter to the Speaker of the House, asking an opportunity to vindicate himself before the House. It was said by the gentleman from Vermont, yesterday, that General Knox was not permitted to come in. A discussion of the subject followed the presentation of his request. The House had not been satisfied with the report, and recommitted it to the committee for further examination. After the recommitment of the report, the Secretaries were brought before the committee and examined, so that their testimony reached the House in that mode. The question was never put to the House whether they would or would not receive the Secretaries in the House, but whether they should adopt the report, or recommit it and order the committee to take further testimony. They did the latter. The proposition to admit them to the House was not directly acted upon at all.

Before leaving this branch of the subject I must refer to the opinion of Mr. Madison as expressed in the debate of November 13, 1792, on the question of admitting the Secretaries to the House to take part in the investigation of St. Clair. This was the only quotation, I believe, which the gentleman from Vermont found to apply directly to the point at issue. It is true that Mr. Madison did say he objected to the House resolution on constitutional grounds.[1] But he did not state what those constitutional grounds were. It is a little remarkable that he who had in 1789 spoken and voted for the Treasury Act authorizing the Secretary to report in person or in writing, as either House might direct, should declare only three years later that it was unconstitutional to let the Secretary come before the House to give information or testimony. Perhaps, sir, a little light from history will help to explain Mr. Madison's singular position. My friend from Vermont will remember that within those three years Mr. Madison and Mr. Hamilton had become seriously alienated from each other, and the gifted authors of the Federalist were friends no longer. The great party strife

[1] See Annals, Second Congress, p. 680.

had begun, and they had taken opposite sides, Mr. Jefferson leading one party, Mr. Madison following; and Mr. Hamilton leading the other, his friends, the Federalists, following him. It is not, therefore, very surprising that Mr. Madison should have been influenced, like others, by personal feeling, or at least by his political differences with the Secretary of the Treasury. It is well known that his political opinions were greatly changed by the influence of Mr. Jefferson.

The fifth and last discussion to which I shall refer occurred on the 19th of November,' 1792, on a resolution of the House directing the Secretary of the Treasury to report a plan for the reduction of the public debt. The question of the constitutionality of his reporting a plan at all, again arose. The whole ground was again gone over. Notwithstanding Madison's record in 1789, he opposed the resolution; but it was passed against him by the decisive vote of thirty-one to twenty-five. So that even down to that day, after parties had taken their ground, after Madison and Hamilton had become antagonistic, after all the fierceness of personal feeling was awakened, still the House determined that the law should stand as it was enacted by the First Congress.

As the result of all these discussions, the custom obtained to receive reports and information from the heads of Departments in writing rather than in person. That custom has now almost the force of law. But while the Treasury Act of 1789 remains on our statute-book, we have a clear right to change the custom. I claim that, by a simple resolution of the House of Representatives alone, we can now call the Secretary of the Treasury here to explain in person any plan or measure of his, and he is bound to come. The Senate can do the same for itself. The very law which establishes his office and builds up his Department makes it obligatory upon him to come when thus ordered. This is true only of the Secretary of the Treasury.

I hold it, then, fairly established, that the measure before us is clearly within the scope of our constitutional powers; that it is only a question how a thing shall be done, the thing to be done being already provided by law. The heads of Departments do now make known their plans and views; they do now communicate to the House all that this resolution contemplates that they shall communicate. It is only a question of mode. They now communicate with the pen. This resolution proposes

to add the tongue to the pen, the voice to the document, the explanation to the text, and nothing more. It is simply a proposition to add to our facilities by having the Secretaries here to explain orally what they have already transmitted in documentary form.

And this brings me to the third and last point that I propose to examine in this discussion, — the policy of the proposed change, on which, I admit, there is much room for difference of opinion. The committee have given a very exhaustive statement of its advantages in their report, and I will only enlarge upon a few points in their statement.

And, first of all, the proposed change will increase our facilities for full and accurate information as the basis of legislative action. There are some gentlemen here who doubt whether we have a right to *demand* information from the heads of Departments. Do we get that information as readily, as quickly, and as fully as we need it? Let me read an extract illustrative of the present plan. The President of the United States, in his last annual message to Congress, says: "The Report of the Secretary of War, and accompanying documents, will detail the campaigns of the armies in the field since the date of the last annual message, and also the operations of the several administrative bureaus of the War Department during the last year. It will also specify the measures deemed essential for the national defence, and to keep up and supply the requisite military force." Has that report been received? This message was delivered to us at the commencement of the present session; we are now within five weeks of its close; but to this hour we have had no report from the Secretary of War, no official advice from him in reference to the "measures deemed essential for the national defence, and to keep up and supply the requisite military force." We have been working in the dark, and it is only as we have reconnoitred the War Department, and forced ourselves in sidewise and edgewise, that we have been able to learn what is considered essential for the national defence. Had this resolution been in force, we should long ago have had his report in our hands, or his good and sufficient reason for withholding it.

I call the attention of the House to the fact, that our table is groaning under the weight of resolutions asking information from the several Departments that have not been answered.

Who does not remember that, at a very early day of the session, a resolution, introduced by a member from Indiana,[1] was unanimously adopted, asking why the order of the House had been neglected, and we had not been furnished with the information? But this also has fallen a *brutum fulmen;* we have received no answer. Could these things be, if the members of the legislative and executive departments were sitting in council together? Should we not long ago have had the information, or known the reason why we did not have it?

On the subject of information, I have a word more to say. We want information more *in detail* than we can get by the present mode. For example, it would have aided many of us, a few days since, when the Loan Bill was under consideration, if the Secretary of the Treasury had been here to tell us precisely what he intended in regard to an increase of the volume of the currency under the provisions of the bill. We want to understand each other thoroughly; and when this is done, it will remove a large share of the burdens of legislation.

One other point on the policy of the measure. I want this joint resolution passed to readjust the relations between the executive and legislative departments, and to readjust them so that there shall be greater responsibility to the legislative department than there now is, and that that responsibility shall be made to rest with greater weight upon the shoulders of the executive authority. I am surprised that both the gentleman from Vermont and the gentleman from Ohio declare that this measure would aggrandize the executive authority. I must say that, to me, it is one objection to this plan, that it may have exactly the opposite effect. I believe, Mr. Speaker, that the fame of Jefferson is waning, and the fame of Hamilton waxing, in the estimation of the American people, and that we are gravitating towards a stronger government. I am glad we are, and I hope this measure will cause the heads of Departments to become so thoroughly acquainted with the details of their office as to compensate for the restrictions imposed upon them. Who does not know that the enactment of this law will tend to bring our ablest men into the Cabinet of the republic? Who does not know that, if a man is to be responsible for his executive acts, and also be able to tell why he proposes new measures, and to comprehend intelligently the whole scope of

[1] Mr. Holman.

his duties, weak men will shrink from taking such places? Who does not know that it will call out the best talent of the land, both executive and parliamentary? What is the fact now? I venture to assert, that the mass of our executive information comes from the heads of bureaus, or perhaps from the chief clerks of bureaus, or other subordinates unknown to the legislative body. I would have it, that, when these men bring information before us, they shall themselves be possessed of the last items of that information, so that they can explain them as fully as the chairman of the Committee of Ways and Means ever explains his measures when he offers them to the House.

One more word, Mr. Speaker. Instead of seeing the picture which the gentleman from Ohio[1] has painted to attract our minds from the subject-matter itself to the mere gaudiness of his farcical display, instead of seeing that unworthy and unmanly exhibition in this House which he has described, I would see in its place the executive heads of the government giving information to, and consulting with, the representatives of the people in an open and undisguised way. Sir, the danger to American liberty is not from open contact with departments, but from that unseen, intangible influence which characterizes courts, crowns, and cabinets. Who does not know, and who does not feel, how completely the reason of a member may be stultified by the written dictum of some head of Department, that he thinks a measure good or bad, wise or unwise? I want that head of Department to tell me why; I want him to appeal to my reason, and not lecture me *ex cathedra*, and desire me to follow his lead just because he leads. I do not believe in any prescriptive right to determine what legislation shall be. No, sir; it is the silent, secret influence that saps and undermines the fabric of republics, and not the open appeal, the collision between intellects, the array of facts.

I hope, Mr. Speaker, that this measure will be fairly considered. If it do not pass now, the day will come, I believe, when it will pass. When that day comes, I expect to see a higher type of American statesmanship, not only in the Cabinet, but also in the legislative halls.

[1] Mr. Cox.

THE CONSTITUTIONAL AMENDMENT ABOLISHING SLAVERY.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 13, 1865.

FEBRUARY 10, 1864, Mr. Lyman Trumbull, of Illinois, reported to the Senate, from the Committee on the Judiciary, this Joint Resolution: —

"Be it resolved, etc., etc., That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely: —

"ARTICLE XIII. Sect. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Sect. 2. Congress shall have power to enforce this article by appropriate legislation."

April 8 following, this resolution passed the Senate. June 15, it was rejected in the House. The same day, a motion to reconsider the vote was entered. At the next session, January 6, 1865, the motion to reconsider was taken up and discussed at length. On this motion, January 13, Mr. Garfield made the speech that follows. The 31st of the same month the question to reconsider carried, and the same day the resolution was adopted. December 18, 1865, the Secretary of State, Mr. Seward, issued his certificate to the effect that, the requisite number of States having ratified the proposed amendment, it had become valid to all intents and purposes as a part of the Constitution of the United States.

MR. SPEAKER, — We shall never know why slavery dies so hard in this republic and in this hall till we know why sin has such longevity and Satan is immortal. With marvellous tenacity of existence, it has outlived the expectations of its

friends and the hopes of its enemies. It has been declared here and elsewhere to be in all the several stages of mortality, — wounded, dying, dead. The question was raised by my colleague[1] yesterday whether it was indeed dead, or only in a troubled sleep. I know of no better illustration of its condition than is found in Sallust's admirable history of the great conspirator Catiline, who, when his final battle was fought and lost, his army broken and scattered, was found, far in advance of his own troops, lying among the dead enemies of Rome, yet breathing a little, but exhibiting in his countenance all that ferocity of spirit which had characterized his life. So, sir, this body of slavery lies before us among the dead enemies of the republic, mortally wounded, impotent in its fiendish wickedness, but with its old ferocity of look, bearing the unmistakable marks of its infernal origin.

Who does not remember that thirty years ago — a short period in the life of a nation — but little could be said with impunity in these halls on the subject of slavery? How well do gentlemen here remember the history of that distinguished predecessor of mine, Joshua R. Giddings, lately gone to his rest, who, with his forlorn hope of faithful men, took his life in his hand, and in the name of justice protested against the great crime, and who stood bravely in his place until his white locks, like the plume of Henry of Navarre, marked where the battle for freedom raged fiercest! We can hardly realize that this is the same people, and these the same halls, where now scarcely a man can be found who will venture to do more than falter out an apology for slavery, protesting in the same breath that he has no love for the dying tyrant. None, I believe, but that man of more than supernal boldness from the city of New York,[2] has ventured, this session, to raise his voice in favor of slavery for its own sake. He still sees in its features the reflection of beauty and divinity, and only he. "How art thou fallen from heaven, O Lucifer, son of the morning! How art thou cut down to the ground, which didst weaken the nations!" Many mighty men have been slain by thee; many proud ones have humbled themselves at thy feet. All along the coast of our political sea these victims of slavery lie like stranded wrecks, broken on the headlands of freedom. How lately did its advocates, with impious boldness, maintain it as God's own, to be venerated and cherished as

[1] Mr. Cox. [2] Mr. Wood.

divine! It was another and higher form of civilization. It was the holy evangel of America dispensing its mercies to a benighted race, and destined to bear countless blessings to the wilderness of the West. In its mad arrogance, it lifted its hand to strike down the fabric of the Union, and since that fatal day it has been a "fugitive and a vagabond in the earth." Like the spirit that Jesus cast out, it has, since then, been "seeking rest and finding none." It has sought in all the corners of the republic to find some hiding-place in which to shelter itself from the death it so richly deserves. It sought an asylum in the untrodden territories of the West, but with a whip of scorpions indignant freemen drove it thence. I do not believe that a loyal man can now be found who would consent that it should again enter them. It has no hope of harbor there. It found no protection or favor in the hearts or consciences of the freemen of the republic, and has fled for its last hope of safety behind the shield of the Constitution. We propose to follow it there, and drive it thence, as Satan was exiled from heaven. But now, in the hour of its mortal agony, in this hall, it has found a defender.

My gallant colleague[1] (for I recognize him as a gallant and able man) plants himself at the door of his darling, and bids defiance to all assailants. He has followed slavery in its flight, until at last it has reached the great temple where liberty is enshrined, the Constitution of the United States; and there, in that last retreat, declares that no hand shall strike it. He reminds me of that celebrated passage in the great Latin poet in which the serpents of the sea, when they had destroyed Laocoön and his sons, fled to the heights of the Trojan citadel, and coiled their slimy lengths around the feet of the tutelar goddess, and were covered by the orb of her shield. So, under the guidance of my colleague, slavery, gorged with the blood of ten thousand freemen, has climbed to the high citadel of American nationality, and coiled itself securely, as he believes, around the feet of the statue of Justice and under the shield of the Constitution of the United States. We desire to follow it even there, and kill it beside the very altar of liberty. Its blood can never make atonement for the least of its crimes.

But the gentleman has gone further. He is not content that the snaky sorceress shall be merely *under the protection* of the

[1] Mr. Pendleton.

Constitution. In his view, by a strange metamorphosis, slavery becomes an invisible essence, and takes up its abode in the very grain and fibre of the Constitution; and when we would strike it, he says: "I cannot point out any express clause that prohibits you from destroying slavery; but I find a prohibition in the intent and meaning of the Constitution. I go under the surface, out of sight, into the very genius of it, and in that invisible domain slavery is enshrined, and there is no power in the republic to drive it thence." That I may do no injustice to my colleague, I will read from his speech of day before yesterday the passage to which I refer: —

"My colleague from the Toledo district,[1] in the speech which he made the other day, told us, with reference to this point: 'If I read the Constitution aright, and understand the force of language, the section which I have just quoted is to-day free from all limitations and conditions save two, one of which provides that the suffrage of the several States in the Senate shall be equal, and that no State shall lose this equality by any amendment of the Constitution without its consent; the other relates to taxation. These are the only conditions and limitations.' I deny it. I assert that there is another limitation stronger even than the letter of the Constitution; and that is to be found in its intent, and its spirit, and its foundation idea. I put the question which has been put before in this debate: Can three fourths of the States constitutionally change this government, and make it an autocracy? It is not prohibited by the letter of the Constitution. . . . . It does not come within the two classes of limitations and conditions asserted by my colleague. Why is it that this change cannot be made? I will tell you why. It is because republicanism lies at the very foundation of our system of government, and to overthrow that idea is not to amend, but to subvert the Constitution of the United States; and I say that if three fourths of the States should undertake to pass an amendment of that kind, and Rhode Island alone dissented, she would have the right to resist by force. It would be her duty to resist by force; and her cause would be sacred in the eyes of just men, and sanctified in the eyes of a just God."[2]

Jefferson Davis and his fellow-conspirators will ask for no better defence of their rebellion. South Carolina will ask no more than to be placed in the same category with Rhode Island — in the gentleman's argument. South Carolina being her own judge, her cause is "sacred in the eyes of just men, and sanctified in the eyes of a just God." He goes behind the letter of the Con-

[1] Mr. Ashley. [2] Congressional Globe, Jan. 11, 1865, pp. 221, 222.

stitution, and finds a refuge for slavery in its intent; and with that intent he declares that we have no right to deal in the way of amendment.

But he has gone even deeper than the spirit and intent of the Constitution. He has announced a discovery to which I am sure no other statesman will lay claim. He has found a domain where slavery can no more be reached by human law than the life of Satan by the sword of Michael. He has marked the hither boundary of this newly discovered continent, in his response to the question of the gentleman from Iowa.[1] I will read it: "I will not be drawn now into a discussion with the gentleman as to the origin of slavery, nor to the law which lies behind the Constitution of the United States, and behind the governments of the States, by which these people are held in slavery." Not finding anything in the words and phrases of the Constitution that forbids an amendment abolishing slavery, he goes behind all human enactments, and far away, among the eternal equities, he finds a primal law which overshadows states, nations, and constitutions, as space envelops the universe, and by its solemn sanctions one human being can hold another in perpetual slavery. Surely human ingenuity has never gone farther to protect a malefactor or defend a crime. I shall make no argument with my colleague on this point; for in that high court to which he appeals eternal justice dwells with freedom, and slavery has never entered.

I now turn to the main point of his argument. He has given us the key to his theory of the Constitution in the three words which the gentleman from Rhode Island[1] commented upon last evening. Upon those words rests the strength or weakness of his position. He describes the Constitution of the United States as a "compact of confederation." If I understand the gentleman, he holds that each State is sovereign; that in their sovereign capacity, as the source and fountain of power, the States, each for itself, ratified the Constitution which the Convention had framed. What powers they did not grant they reserved. They did not grant to the Federal government the right to control the subject of slavery. That right still resides in the States severally. Hence no amendment of the Constitution by three fourths of the States can legally affect slavery in the remaining fourth. Hence no amendment by the modes pointed out in

[1] Mr. Wilson.

[1] Mr. Jenckes.

the Constitution can reach it. This, I believe, is a succinct and just statement of his argument. The whole question turns upon the sovereignty of the States. Are they sovereign and independent now? Were they ever so? I shall endeavor to answer. I appeal to the facts of history, and, to bring them clearly before us, I affirm: —

I. That prior to the 4th of July, 1776, the Colonies were neither free nor independent. Their sovereignty was lodged in the Crown of Great Britain. I believe no man will deny this. It was admitted in the first Declaration of Rights, put forth by the Revolutionary Congress that, in 1774, assembled in Philadelphia to pray for a redress of grievances. That body expressly admitted that the sovereignty of the Colonies was lodged in the Crown of Great Britain. It has been taught by Jay and Story, and has been so decided by the Supreme Court of the United States.[1]

II. On the 4th of July, 1776, the sovereignty was withdrawn from the British Crown, by the whole people of the Colonies, and lodged in the Revolutionary Congress. No Colony declared itself free and independent. Neither Virginia, New York, nor Massachusetts declared itself free and independent of the Crown of Great Britain. The declaration was made not even by all the Colonies *as colonies*, but in the name and by the authority of "the good people of these Colonies," as one people. In the following memorable declaration the sovereignty was transferred from the Crown of Great Britain to the *people of the Colonies:* —

"We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do."

In vindication of this view, I read from Justice Story's Commentaries on the Constitution: —

[1] See Chisholm *v.* State of Georgia, 2 Dallas, 419.

"The Colonies did not severally act for themselves and proclaim their own independence. It is true that some of the states had previously formed incipient governments for themselves, but it was done in compliance with the recommendations of Congress. . . . . The declaration of independence of all the Colonies was the united act of all. It was 'a declaration by the representatives of the United States of America in Congress assembled'; 'by the delegates appointed by the good people of the Colonies,' as in a prior declaration of rights they were called. It was not an act done by the State governments then organized; nor by persons chosen by them. It was emphatically the act of the whole *people* of the United Colonies, by the instrumentality of their representatives, chosen for that among other purposes. It was not an act competent to the State governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case nor provided for it. It was an act of original inherent sovereignty by the people themselves, resulting from their right to change the form of government, and to institute a new one whenever necessary for their safety and happiness. So the Declaration of Independence treats it. No State had presumed of itself to form a new government, or to provide for the exigencies of the times, without consulting Congress on the subject, and when any acted, it was in pursuance of the recommendation of Congress. It was, therefore, the achievement of the whole for the benefit of the whole.

"The people of the United Colonies made the United Colonies free and independent States, and absolved them from all allegiance to the British Crown. The Declaration of Independence has accordingly always been treated as an act of paramount and sovereign authority, complete and perfect *per se*, and *ipso facto* working an entire dissolution of all political connection with and allegiance to Great Britain. And this, not merely as a practical fact, but in a legal and constitutional view of the matter by courts of justice." [1]

When the people of the Colonies became free, having withdrawn sovereignty from the Crown of Great Britain, where did they lodge it? Not in the States; but, so far as they delegated it at all, they lodged it in the Revolutionary Congress then sitting in Philadelphia. My colleague dissents. I ask his attention again to the language of this distinguished commentator: —

"In the next place, we have seen that the power to do this act was not derived from the State governments, nor was it done generally with their co-operation. The question then naturally presents itself, if it is to be considered as a national act, in what manner did the Colonies

[1] Book II. Sec. 211.

become a nation, and in what manner did Congress become possessed of this national power? The true answer must be, that as soon as Congress assumed powers and passed measures which were in their nature national, to that extent the people from whose acquiescence and consent they took effect must be considered as agreeing to form a nation." [1]

MR. PENDLETON. I desire to ask my colleague from what power the delegates who sat in that Congress derived their authority to make the Declaration; whether they did not derive it from the Colonies, or the States, if the gentleman prefers that word, and whether each delegate did not speak in the Congress for the State government which authorized him to speak there?

I say, in answer to the point the gentleman makes, as I have already said, and in the language of this distinguished commentator, that the moment the Revolutionary Congress assumed national prerogatives, and the people by their silence consented, that moment the people of the Colonies were constituted a nation, and that Revolutionary Congress became the authorized government of the nation. But the Declaration was made "by the authority of the good people," and hence it was *their* declaration.

MR. PENDLETON. Will the gentleman permit me to ask him whether from that moment they became the representatives of the nation, or whether they still retained their position as representatives of the States?

They were both. They were still representatives of the States; but the new function of national representatives was added. They then took upon them that which now belongs to the gentleman, the twofold quality of State citizenship and national citizenship. The gentleman is twice a citizen, subject to two jurisdictions; and so were they.

I shall still further fortify my position by reading again from Justice Story: —

"From the moment of the Declaration of Independence, if not for most purposes at an antecedent period, the United Colonies must be considered as being a nation *de facto*, having a general government over it, created and acting by the general consent of the people of all the Colonies. The powers of that government were not, and indeed could not, be well defined. But still its exclusive sovereignty in many

[1] Book II. Sec. 213.

cases was firmly established, and its controlling power over the States was in most, if not in all national measures, universally admitted."[1]

III. On the 1st of March, 1781, the sovereignty of the nation was lodged, by the people, in the Articles of Confederation. The government thus formed was a confederacy. Its Constitution might properly be styled a "Compact of Confederation," though by its terms it established a "perpetual union," and left small ground for the doctrine of secession.

IV. On the 21st of June, 1788,[2] our national sovereignty was lodged, by the people, in the Constitution of the United States, where it still resides, and for its preservation our armies are to-day in the field. In all these stages of development, from colonial dependence to full-orbed nationality, the people, not the States, have been omnipotent. *They* have abolished, established, altered, and amended, as suited their sovereign pleasure. For the greater security of liberty, they chose to distribute the functions of government. They left to each State the regulation of its local and municipal affairs, and endowed the Federal republic with the high functions of national sovereignty. *They* made the Constitution. That great charter tells its own story best in the preamble: —

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Not "We, the sovereign States," do enter into a league or form a "compact of confederation."

If the gentleman looks, then, for a kind of political "apostolic succession" of American sovereignty, he will find that neither Colonies nor States were in the royal line; but this is the genealogy: first, the Crown and Parliament of Great Britain; second, the Revolutionary Congress; third, the Articles of Confederation; fourth, and now, the Constitution of the United States; and all this by the authority of the people. Now, if no one of the Colonies was sovereign and independent, when and how did any of the States become so? The gentleman must show us by what act it was done, and where the deed was re-

[1] Story on the Constitution, Book II. Sec. 215.

[2] The date of the ratification of the Constitution by the ninth State, — New Hampshire.

corded. I think I have shown that his position has no foundation in history, and the argument based upon it falls to the ground.

In framing and establishing the Constitution, what restrictions were laid upon the people? Absolutely no human power beyond themselves. No barriers confined them but the laws of nature, the laws of God, their love of justice, and their aspirations for liberty. Over that limitless expanse they ranged at will, and out of such materials as their wisdom selected they built the stately fabric of our government. That Constitution, with its Amendments, is the latest and the greatest utterance of American sovereignty. The hour is now at hand when that majestic sovereign, for the benignant purpose of securing still further the "blessings of liberty," is about to put forth another oracle, — is about to declare that universal freedom shall be the supreme law of the land. Show me the power that is authorized to forbid it.

The lapse of eighty years has not abated one jot or tittle from the original sovereignty of the American people. They made the Constitution what it is. They could have made it otherwise then; they can make it otherwise now.

But my colleague[1] has planted himself on the intent of the Constitution. On that point I ask him by what means the will of this nation reaches the citizen, with its obligations? Only as that will is revealed in the logical and grammatical meaning of the words and phrases of the written Constitution. Beyond this, there is, there can be, no legal force or potency. If the amending power granted in the Constitution be in any way abridged or restricted, such restriction must be found in the just meaning of the instrument itself. Any other doctrine would overthrow the whole fabric of jurisprudence. What are the limitations of the amending power? Plainly and only these: "That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."[2] The first restriction, being bounded by the year 1808, is of course *functus officio*, and no longer operative; the last is still binding. The gentleman does not claim that any other sentence is restrictive; but he would have us believe there is something not written down, a *tertium quid*, a kind of exha-

[1] Mr. Pendleton. [2] Constitution, Art. V.

lation rising out of the depths of the Constitution, that has the power of itself to stay the hand of the people of this great republic in their attempt to put away an evil that is deleterious to the nation's life. He would lead us in pursuit of these intangible shadows, would place us in the dominion of vague, invisible powers, that exhale, like odors, from the Constitution, but are more potent than the Constitution itself. Such an *ignis fatuus* I am not disposed to follow, especially when it leads to a hopeful future for human slavery.

I cannot agree with my colleague, and the distinguished gentleman from Massachusetts,[1] who unite in declaring that no amendment to the Constitution can be made which would be in conflict with its objects as declared in the preamble. What special immunity was granted to that first paragraph? Could not our forefathers have adopted a different preamble in the beginning? Could they not have employed other words, and declared other objects, as the basis of their Constitution? If they could have made a different preamble, declaring other and different objects, so can we now declare other objects in our amendments. The preamble is itself amendable, just as is every clause of the Constitution, excepting only the ones already referred to. But this point is not necessary in the case we are now considering. We need no change of the preamble to enable us to abolish slavery. It is only by the final overthrow of slavery that the objects of the preamble can be fully realized. By that means alone can we "establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity."

The gentleman[2] puts another case which I wish to notice. He says that nine of the thirteen original Colonies adopted the Constitution, and by its very terms it was binding only on the nine. So if three fourths of the States should pass this amendment it would not bind the other fourth. In commenting upon this clause, Judge Tucker, of Virginia, in his appendix to Blackstone, says that if the four Colonies had not adopted the Constitution they would have been a foreign people. The writers of the Federalist hold a different doctrine, and fall back upon the original right of the nation to preserve itself, and say that the nine States would have had the right to compel the other four to come in. But the question is unimportant, from the fact that they did come in and adopt the Constitution. The contract

[1] Mr. Boutwell. [2] Mr. Pendleton.

once ratified, and obligations once taken, they became an integral part of an indivisible nation, as indivisible as a state. The argument is irrelevant; for the mode of adopting the Constitution is one thing, the mode pointed out in the Constitution for adopting amendments to it is quite another. The two have no necessary relation to each other. I therefore agree with my colleague from the Columbus district,[1] that, except in the two cases of limitation, two thirds of Congress and three fourths of the States can do anything in the way of amendment, being bounded only by their sense of duty to God and the country. The field is then fully open before us.

On the justice of the amendment itself no arguments are necessary. The reasons crowd in on every side. To enumerate them would be a work of superfluity. To me it is a matter of great surprise that gentlemen on the other side should wish to delay the death of slavery. I can only account for it on the ground of long-continued familiarity and friendship. I should be glad to hear them say of slavery, their beloved, as did the jealous Moor, —

"Yet she must die, else she 'll betray more men."

Has she not betrayed and slain men enough? Are they not strewn over a thousand battle-fields? Is not this Moloch already gorged with the bloody feast? Its best friends know that its final hour is fast approaching. The avenging gods are on its track. Their feet are not now, as of old, shod with wool, nor slow and stately stepping, but winged like Mercury's to bear the swift message of vengeance. No human power can avert the final catastrophe.

I did not intend, Mr. Speaker, ever again to address the House on the subject of slavery. I had hoped we might, without a struggle, at once and forever remove it from the theatre of American politics, and turn our thoughts to those other and larger fields now opening before us. But when I saw the bold and determined efforts put forth in this House yesterday for its preservation, I could not resist my inclination to strike one blow, in the hope of hastening its doom.

[1] Mr. Cox.

SUFFRAGE AND SAFETY.

ORATION DELIVERED AT RAVENNA, OHIO.

JULY 4, 1865.

JULY 4, 1860, Mr. Garfield delivered an oration at Ravenna, Ohio, discussing such topics as generally drew the attention of cultivated men on such occasions before the war. Again, July 4, 1865, he delivered a second oration at the same place. He began the second oration with calling attention to the changes that had been wrought since the first one was delivered. He traced the progress of the sentiment of liberty from the opening of the war to the Emancipation Proclamation, and then to the coming of peace. The results of the war, he said, were these: —

1. A clear discernment upon the part of the Northern people of the wickedness of slavery.

2. A stronger nationality. Out of the ruins of slavery and treason had grown up a stronger and grander nationality than we had ever known before. An old American statesman said that the stability of the government would depend upon its power directly to enforce its laws. The power of our government had been amply demonstrated by the generous response to its calls for men and money for the war. We understand now that we do not owe allegiance to Washington by way of Columbus, but in an *air line*.

3. The government had been proved stronger than any of its dependencies. Cotton was declared King, but Cotton did not save the rebellion. The Republic was greater than any product, than any interest, than any State or man.

4. The character of the people had grown. "We have more faith in the American people than before the war. We have learned to know them and respect them. The boys who went from us come back to us solid men. They have been engaged in a righteous work. No man can be inspired with a great and noble purpose without being better for it. The destiny of the nation is safer and surer than ever before. We have learned how to appreciate its beneficence and its virtue, and

we shall never be likely to forget those who have come back to us from its battle-fields."

Before this point was reached, Mr. Garfield had divided the national drama into two acts, the military act and the civil or the restorative act. Now he addressed himself to the second of these acts, or more narrowly the suffrage question. This oration was not fully reported, but the following portion, relating to suffrage, was prepared in manuscript by the author, and was printed at the time from his notes.

FELLOW-CITIZENS, — We may now say that the past, with all its wealth of glorious associations, is secure. The air is filled with brightness; the horizon is aglow with hope. The future is full of magnificent possibilities. But God has committed to us a trust which we must not, we dare not overlook. By the dispensation of his Providence, the chains have been stricken from four millions of the inhabitants of this Republic, and he has shown us the truth of that early utterance of Abraham Lincoln's, — "This is a world of compensations; and he who would *be* no slave must *have* no slave. Those who deny freedom to others deserve it not for themselves, and under a just God cannot long retain it."

In the great crisis of the war, God brought us face to face with the mighty truth, that we must lose our own freedom or grant it to the slave. In the extremity of our distress, we called upon the black man to help us save the Republic; and, amid the very thunders of battle, we made a covenant with him, sealed both with his blood and with ours, and witnessed by Jehovah, that, when the nation was redeemed, he should be free, and share with us its glories and its blessings. The Omniscient Witness will appear in judgment against us if we do not fulfil that covenant. Have we done it? Have we given freedom to the black man? What is freedom? Is it mere negation? Is it the bare privilege of not being chained, — of not being bought and sold, branded and scourged? If this is all, then freedom is a bitter mockery, a cruel delusion, and it may well be questioned whether slavery were not better. But liberty is no negation. It is a substantial, tangible reality. It is the realization of those imperishable truths of the Declaration, "that all men are created equal"; that the sanction of all just

government is "the consent of the governed." Can these be realized until each man has a right to be heard on all matters relating to himself? The plain truth is, that each man knows his own interest best. It has been said, "If he is compelled to pay, if he may be compelled to fight, if he be required implicitly to obey, he should be legally entitled to be told what for; to have his consent asked, and his opinion counted at what it is worth. There ought to be no pariahs in a full-grown and civilized nation, no persons disqualified except through their own default." I would not insult your intelligence by discussing so plain a truth, had not the passion and prejudice of this generation called in question the very axioms of the Declaration.

But it will be asked, Is it safe to admit to the elective franchise the great mass of ignorant and degraded blacks, so lately slaves? Here indeed is the great practical question, to the solution of which should be brought all the wisdom and enlightenment of our people. I am fully persuaded that some degree of intelligence and culture should be required as a qualification for the right of suffrage. I have no doubt that it would be better if no man were allowed to vote who cannot read his ballot or the Constitution of the United States, and write his name or copy in a legible hand a sentence from the Declaration of Independence. Make any such wise restriction of suffrage, but let it apply to all alike. Let us not commit ourselves to the absurd and senseless dogma that the color of the skin shall be the basis of suffrage, the talisman of liberty. I admit that it is perilous to confer the franchise upon the ignorant and degraded; but if an educational test cannot be established, let suffrage be extended to all men of proper age, regardless of color. It may well be questioned whether the negro does not understand the nature of our institutions better than the equally ignorant foreigner. He was intelligent enough to understand from the beginning of the war that the destiny of his race was involved in it. He was intelligent enough to be true to that Union which his educated and traitorous master was endeavoring to destroy. He came to us in the hour of our sorest need, and by his aid, under God, the Republic was saved. Shall we now be guilty of the unutterable meanness, not only of thrusting him beyond the pale of its blessings, but of committing his destiny to the tender mercies of those pardoned rebels who have been so reluctantly compelled to take their feet from his

neck and their hands from his throat? But some one says it is dangerous at this time to make new experiments. I answer, it is always safe to do justice. However, to grant suffrage to the black man in this country is not innovation, but restoration. It is a return to the ancient principles and practices of the fathers. Let me refer you to a few facts in our history which have been but little studied by the people and politicians of this generation.

1. During the war of the Revolution, and in 1788, the date of the adoption of our national Constitution, there was but one State among the thirteen whose constitution refused the right of suffrage to the negro. That State was South Carolina. Some, it is true, established a property qualification; all made freedom a prerequisite; but none save South Carolina made color a condition of suffrage.

2. The Federal Constitution makes no such distinction, nor did the Articles of Confederation. In the Congress of the Confederation, on the 25th of June, 1778, the fourth article was under discussion. It provided that "the free inhabitants of each of these States — paupers, vagabonds, and fugitives from justice excepted — shall be entitled to all privileges and immunities of free citizens in the several States." The delegates from South Carolina moved to insert between the words "free inhabitants" the word "white," thus denying the privileges and immunities of citizenship to the colored man. According to the rules of the convention, each State had but one vote. Eleven States voted on the question. One was divided; two voted aye; and eight voted no.[1] It was thus early, and almost unanimously, decided that *freedom*, not color, should be the test of citizenship.

3. No Federal legislation prior to 1812 placed any restriction on the right of suffrage in consequence of the color of the citizen. From 1789 to 1812 Congress passed ten separate laws establishing new Territories. In all these, freedom, and not color, was the basis of suffrage.

4. After nearly a quarter of a century of prosperity under the Constitution, the spirit of slavery so far triumphed over the early principles and practices of the government that, in 1812, South Carolina and her followers in Congress succeeded in inserting the word "white" in the suffrage clause of the act establishing

[1] Elliot's Debates, Vol. I. p. 90.

a territorial government for Missouri. One by one the Slave States, and many of the free States, gave way before the crusade of slavery against negro citizenship. In 1817, Connecticut caught the infection, and in her constitution she excluded the negro from the ballot-box. In every other New England State his ancient right of suffrage has remained and still remains undisturbed. Free negroes voted in Maryland till 1833; in North Carolina, till 1835; in Pennsylvania, till 1838. It was the boast of Cave Johnson of Tennessee that he owed his election to Congress in 1828 to the free negroes who worked in his mills. They were denied the suffrage in 1834, under the new constitution of Tennessee, by a vote of thirty-three to twenty-three. As new States were formed, their constitutions for the most part excluded the negro from citizenship. Then followed the shameful catalogue of black laws — expatriation and ostracism in every form — which have so deeply disgraced the record of legislation in many of the States.

I affirm, therefore, that our present position is one of apostasy; and to give the ballot to the negro will be no innovation, but a return to the old paths, — a restoration of that spirit of liberty to which the sufferings and sacrifices of the Revolution gave birth.

But if we had no respect for the early practices and traditions of our fathers, we should still be compelled to meet the practical question which will very soon be forced upon us for solution. The necessity of putting down the rebellion by force of arms was no more imperative than is that of restoring law, order, and liberty in the States that rebelled. No duty can be more sacred than that of maintaining and perpetuating the freedom which the Proclamation of Emancipation gave to the loyal black men of the South. If they are to be disfranchised, if they are to have no voice in determining the conditions under which they are to live and labor, what hope have they for the future? It will rest with their late masters, whose treason they aided to thwart, to determine whether negroes shall be permitted to hold property, to enjoy the benefits of education, to enforce contracts, to have access to the courts of justice, — in short, to enjoy any of those rights which give vitality and value to freedom. Who can fail to foresee the ruin and misery that await this race, to whom the vision of freedom has been presented only to be withdrawn, leaving them without even the aid which the master's selfish

commercial interest in their life and service formerly afforded them? Will these negroes, remembering the battle-fields on which two hundred thousand of their number bravely fought, and many thousands heroically died, submit to oppression as tamely and peaceably as in the days of slavery? Under such conditions, there could be no peace, no security, no prosperity. I am glad to be able to fortify my position on this point by the great name and ability of Theophilus Parsons, of the Harvard Law School. In discussing the necessity of negro suffrage at a recent public meeting in Boston, he says: —

"Some of the Southern States have among their statutes a law prohibiting the education of a colored man under a heavy penalty. The whole world calls this most inhuman, most infamous. And shall we say to the whites of those States, 'We give you complete and exclusive power of legislating about the education of the blacks; but beware, for if you lift them by education from their present condition, you do it under the penalty of forfeiting and losing your supremacy?' Will not slavery, with nearly all its evils, and with none of its compensation, come back at once? Not under its own detested name; it will call itself apprenticeship; it will put on the disguise of laws to prevent pauperism, by providing that every colored man who does not work in some prescribed way shall be arrested, and placed at the disposal of the authorities; or it will do its work by means of laws regulating wages and labor. However it be done, one thing is certain: if we take from the slaves all the protection and defence they found in slavery, and withhold from them all power of self-protection and self-defence, the race must perish, and we shall be their destroyers."

Another patriotic speaker thus justly sums up his conclusions: "We must choose between two results. With these four millions of negroes, either you must have four millions of disfranchised, disarmed, untaught, landless, thriftless, non-producing, non-consuming, degraded men; or else you must have four millions of landholding, industrious, arms-bearing, and voting population. Choose between these two!"

Bear with me, fellow-citizens, while I urge still another consideration. By the Constitution, only three fifths of the slaves were counted in forming the basis of Congressional representation. The Proclamation of Emancipation adds the other two fifths, which at the next census will be more than two millions. If the negro be denied the franchise, and the size of the House of Representatives remain as now, we shall have fifteen addi-

tional members of Congress from the States lately in rebellion, without the addition of a single citizen to their population, and we shall have fifteen less in the loyal States. This will not only give six members of Congress to South Carolina, four sevenths of whose people are negroes, but it will place the power of the State, as well as the destiny of 412,000 black men, in the hands of the 20,000 white men (less than the number of voters in our own Congressional district) who, under the restricted suffrage of that undemocratic State, exercise the franchise. Such an unjust and unequal distribution of power would breed perpetual mischief. The evils of the rotten borough system of England would be upon us.

Indeed, we can find no more instructive lesson on the whole question of suffrage than the history of its development in the British empire. For more than four centuries, royal prerogative and the rights of the people of England have waged perpetual warfare. Often the result has appeared doubtful, often the people have been driven to the wall, but they have always renewed the struggle with unfaltering courage. Often have they lost the battle, but they have always won the campaign. Amidst all their reverses, each generation has found them stronger, each half-century has brought them its year of jubilee, and has added strength to the bulwark of law and breadth to the basis of liberty. This contest has illustrated again and again the saying that "eternal vigilance is the price of liberty." The growth of a city, the decay of a borough, the establishment of a new manufacture, the enlargement of commerce, the recognition of a new power, have, each in its turn, added new and peculiar elements to the contest. Hallam says: "It would be difficult, probably, to name any town of the least consideration in the fourteenth and fifteenth centuries, which did not, at some time or other, return members to Parliament. This is so much the case, that if, in running our eyes along the map, we find any seaport, as Sunderland or Falmouth, or any inland town, as Leeds or Birmingham, which has never enjoyed the elective franchise, we may conclude at once that it has emerged from obscurity since the reign of Henry VIII."[1] It was a doctrine old as the common law, maintained by our Anglo-Saxon ancestors centuries before it was planted in the American Colonies, that taxation and representation were insep-

[1] Constitutional History of England, Chap. XIII.

arable correlatives, the one a duty based upon the other as a right. But the neglect of the government to provide a system which made the Parliamentary representation conform to the increase of population, and the growth and decadence of cities and boroughs, had, by almost imperceptible degrees, disfranchised the great mass of the British people, and placed the legislative power in the hands of a few leading families of the realm. Towards the close of the last century the question of Parliamentary reform assumed a definite shape, and since that time has constituted one of the most prominent features in British politics. It was found not only that the basis of representation was unequal and unjust, but that the right of the elective franchise was granted to but few of the inhabitants, and was regulated by no fixed and equitable rule. Here I may quote from May's Constitutional History: —

"In some of the corporate towns, the inhabitants paying scot and lot, and freemen, were admitted to vote; in some, the freemen only; and in many, none but the governing body of the corporation. At Buckingham and at Bewdley the right of election was confined to the bailiff and twelve burgesses; at Bath, to the mayor, ten aldermen, and twenty-four common-councilmen; at Salisbury, to the mayor and corporation, consisting of fifty-six persons. And where more popular rights of election were acknowledged, there were often very few inhabitants to exercise them. Gatton enjoyed a liberal franchise. All freeholders and inhabitants paying scot and lot were entitled to vote, but they only amounted to seven. At Tavistock all freeholders rejoiced in the franchise, but there were only ten. At St. Michael all inhabitants paying scot and lot were electors, but there were only seven.

"In 1793 the Society of the Friends of the People were prepared to prove that in England and Wales seventy members were returned by thirty-five places in which there were scarcely any electors at all; that ninety members were returned by forty-six places with less than fifty electors; and thirty-seven members by nineteen places having not more than one hundred electors. Such places were returning members, while Leeds, Birmingham, and Manchester were unrepresented; and the members whom they sent to Parliament were the nominees of peers and other wealthy patrons. No abuse was more flagrant than the direct control of peers over the constitution of the Lower House. The Duke of Norfolk was represented by eleven members; Lord Lonsdale by nine; Lord Darlington by seven; the Duke of Rutland, the Marquis of Buckingham, and Lord Carrington, each by six. Seats were held in both Houses alike by hereditary right."[1]

[1] May's Constitutional History of England, (Boston, 1868,) Vol. I. pp. 266, 267.

Scotland and Ireland were virtually disfranchised; Edinburgh and Glasgow, the two largest cities of Scotland, had each a constituency of only thirty-three members. A majority of the members of the House of Commons were elected by six thousand voters. This state of affairs afforded ready opportunities for the moneyed aristocracy to buy seats in Parliament, by the purchase of a few voters in rotten boroughs; and also enabled the ministry to secure a servile majority in the Commons. The corruption resulting from these conditions, as exhibited in the latter half of the eighteenth century, can hardly be realized by the present generation. They afford, however, an illustration of the universal truth, that a government which does not draw its inspiration of liberty, justice, and morality from the people will soon become both tyrannical and corrupt.

In these facts we discover the cause of the popular discontent and outbreaks which have so frequently threatened the stability of the British throne and the peace of the English people. As early as 1770 Lord Chatham said, "By the end of this century, either the Parliament must be reformed from within, or it will be reformed with a vengeance from without." The disastrous failure of Republicanism in France delayed the fulfilment of his prophecy; but when, in 1832, the people were on the verge of revolt, the government was reluctantly compelled to pass the celebrated Reform Bill, which has taken its place in English history beside Magna Charta and the Bill of Rights. It equalized the basis of representation, and extended the suffrage to the middle class; and though the property qualification practically excluded the workingman, a great step upward had been taken, a concession had been made which must be followed by others. The struggle is again going on. Its omens are not doubtful. The great storm through which American liberty has just passed gave a temporary triumph to the enemies of popular right in England. But our recent glorious triumph is the signal of disaster to tyranny, and victory for the people. The liberal party in England are jubilant, and will never rest until the ballot, that "silent vindicator of liberty," is in the hand of the workingman, and the temple of English liberty rests on the broad foundation of popular suffrage. Let us learn from this, *that suffrage and safety, like liberty and union, are one and inseparable.*

It is related in ancient fable that one of the gods, dissatisfied

with the decrees of destiny, attempted to steal the box in which were kept the decrees of the Fates; but he found that it was fastened to the throne of Jupiter by a golden chain, and to remove it would pull down the pillars of heaven. So is the sacred ballot-box, which holds the decrees of freemen, linked by the indissoluble bond of necessity to the pillars of the Republic; and he who tampers with its decrees, or plucks it away from its place in our temple, will perish amid the ruins he has wrought.

But in view of the lessons of the years of contest that have crowned the nation with victory, with the inspirations of liberty and truth brightly lighting the pathway of the people, who can doubt the equity of their voice? The nations of the earth must not be allowed to point at us as pitiful examples of weak selfishness. In the exigencies of this hour, our duty must be so done that the eternal scrolls of justice will ever bear record of the nobility of the nation's heart. Animated, inspired, generous, fearless, in the work of liberty and truth, long will the Republic live, a bulwark of God's immutable justice.

RESTORATION OF THE SOUTHERN STATES.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1866.

THE title that this speech bears in the pamphlet edition issued by its author is "Freedmen's Bureau — Restoration of the Southern States."

"An Act to establish a Bureau for the Relief of Freedmen and Refugees" was approved on March 3, 1865. At the next session, Congress passed a bill to amend this act, and "for other purposes," which was vetoed by President Johnson, February 19, 1866. Pending this bill in the House of Representatives, Mr. Garfield made this speech. As he does not deal directly with the bill, but discusses the general question of Reconstruction, an analysis of the pending measure is not necessary.

Mr. Garfield began with remarking that the pending bill was one of a series of measures which it was the duty of the House to consider and act upon during the current session. He therefore proposed to "discuss in connection with it the general question of the restoration of the States lately in rebellion." A succinct statement of facts concerning the status of the Reconstruction question at that time will throw much light upon the speech, as well as upon all the speeches in which he discusses Reconstruction topics.

President Johnson's plan of reconstruction rested on this constitutional theory: —

1. The Rebel States did not, as a matter of fact, secede. "All intended acts of secession," he said, in his message of December 4, 1865, "were from the beginning null and void."

2. Individuals had committed treason, and enough of them should be punished to "make treason odious."

3. The Rebel State governments must share the fate of the Confederate government. He said: "The State institutions are prostrated, laid out on the ground, and they must be taken up and adapted to the progress of events."

4. To "take up" their institutions and "adapt them to the progress of events," State conventions must be held. These conventions would

frame constitutions, provide for holding elections, and do all other things preliminary to State reorganization.

5. When these constitutions had been framed and ratified, and the State governments fully set up, and Representatives and Senators chosen, it would be the duty of Congress to admit the Representatives and Senators, thereby recognizing the States as in proper relations to the Union. Certain terms and conditions the President proposed to make; as the abolition of slavery, the ratification of the Thirteenth Amendment, and the repudiation of the debts contracted in carrying on the Rebellion.

President Johnson promptly set about carrying his theory into execution. May 29, 1865, he issued his amnesty proclamation, removing all political disabilities on the score of participation in rebellion, save in certain excepted cases. Beginning the same day, he appointed Provisional Governors in the several Rebel States, who were to call constitutional conventions, and in all ways to co-operate with the people of the States in creating new State institutions. This proviso, in substance found in all the proclamations appointing said Governors, defined the exercise of the elective franchise: —

"*Provided*, that in any election that may be hereafter held for choosing delegates to any State Convention, as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such Convention, unless he shall have previously taken the oath of amnesty, as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of North Carolina in force immediately before the 20th day of May, 1861, the date of the so-called Ordinance of Secession; and the said Convention, when convened, or the Legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the Constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the government to the present time."[1]

The Governors appointed by these proclamations hastened to perform their parts. Conventions were held, constitutions framed and ratified, and State officers elected. December 18, 1865, the President informed Congress, in a special message, that the people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee had reorganized their State governments, and were yielding obedience to the laws of the United States. He now began to press for the admission to Congress of their so-called Senators and Representatives, and, February 19, 1866, he plainly told Congress that these States were "entitled to enjoy their constitutional rights as members of the Union."

[1] The quotation is made from the North Carolina proclamation of May 29, 1865.

While differing widely among themselves both as to constitutional theories and practical measures, the Republican leaders differed still more widely from the President. At the beginning of his administration, there was a want of full confidence in him on the part of the Republican party, and the breach widened as he progressively unfolded his scheme. After February 19, 1866, it was irreparable. First, these leaders held that the President arrogated quite too much authority to the Executive, and relegated Congress to quite too humble a part. Second, they objected to his plan on its merits; (1.) as failing properly to punish treason; (2.) as failing to assure the peace and protection of Southern Unionists, especially the freedmen. Holding these views, the Republican majority in Congress had, by a concurrent resolution of December 13, 1865, created a joint Committee on Reconstruction, directing said committee to "inquire into the conditions of the States of what formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either house of Congress, with leave to report by bill or otherwise."

Congress promptly replied to the President's veto of the Freedmen's Bureau Bill, and his demand of February 19, 1866, that the reconstructed States were "entitled to enjoy their constitutional rights as members of the Union," by adopting a concurrent resolution to the effect that "no Senator or Representative shall be admitted to either branch of Congress from any of said States until Congress shall have declared such State entitled to such representation." (House, February 20; Senate, March 2.) The "series of measures" to which Mr. Garfield refers in his opening are the pending bill, the Fourteenth Amendment, and the two bills reported by the Reconstruction Committee in April following, designed to accomplish the work of reconstruction; the logical basis of all which measures is contained in the majority report of the Reconstruction Committee, made June 18, 1866. At the time Mr. Garfield made the following speech, these measures had not been fully reported, nor had the final breach with the President occurred. This recital of facts shows the attitude of the President and of Congress at the period to which this speech belongs.

MR. SPEAKER, — The bill now before the House is one of a series of measures which it is the duty of this House to consider and act upon during the present session: and I shall, in the time allotted to me, take a wider range than the provisions of the bill itself would warrant, and discuss, in connection with it, the general question of the restoration of the States lately

in rebellion. I shall try to examine the situation of national affairs resulting from the war; to determine, if possible, what ought to be done to bring the republic back, by the surest, safest, and shortest path, to the full prosperity of liberty and peace. This is the result earnestly desired by every patriotic citizen. How to reach it is the great problem we are called upon to solve. On the main points in the problem I believe there is far less difference of sentiment in this House than is generally supposed.

Men differ far more in theory than in practice. It would be easy to find ten men who perfectly agree in recommending a given course of action. It would be difficult to find ten who would give the same reasons for that recommendation. If the members of this House could lay aside their theories and abstract definitions, and deliberate on questions of practical legislation, many apparent differences would at once disappear. The words and phrases that we use exert a powerful influence on the opinions we form and the action which results.

In inquiring into the legal status of the insurgent States, we are met at the threshold by three distinct theories, each of which has its advocates in this House: —

1. That these States are now and have never ceased to be in the Union, with all their rights unimpaired.

2. That they are out of the Union in fact and in law; that by their acts of secession and rebellion they are reduced to the condition of Territories; and that it rests with Congress to determine whether they shall now or hereafter be admitted into the Union.

3. The theory announced by the gentleman from New York,[1] in his speech of three days ago, that, whatever may have been the effect of the war upon them, we ought to accept the present status of the Southern States, and regard them as having resumed, under the President's guidance and action, their functions of self-government in the Union.[2]

Mr. Speaker, I am unable fully to agree with either of these propositions, and I shall endeavor to point out what seems to me the error which has led to their adoption. Two terms made use of in the debate on this subject appear to have caused much of the diversity of opinion. I allude to the word "State," and the phrase "in the Union."

[1] Mr. Raymond. [2] Congressional Globe, January 29, 1866, p. 491.

The word "State," as it has been used by gentlemen in this discussion, has two meanings as perfectly distinct as though different words had been used to express them. The confusion arising from applying the same word to two different and dissimilar objects, has had very much to do with the diverse conclusions which gentlemen have reached. They have given us the definition of a "State" in the contemplation of public or international law, and have at once applied that definition, and the conclusions based upon it, to the States of the American Union, and the effects of war upon them. Let us examine the two meanings of the word, and endeavor to keep them distinct in their application to the questions before us.

Phillimore, the great English publicist, says: —

"For all purposes of international law, a state (δῆμος, *civitas*, *Volk*) may be defined to be a people permanently occupying a fixed territory (*certam sedem*), bound together by common laws, habits, and customs into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace, and of entering into all international relations with the other communities of the globe."[1]

Substantially the same definition may be found in Grotius,[2] in Burlamaqui,[3] and in Vattel.[4] The primary point of agreement in all these authorities is, that in contemplation of international law a state is absolutely sovereign, acknowledging no superior on earth. In that sense the United States is a state, a sovereign state, just as Great Britain, France, and Russia are states.

But what is the meaning of the word State as applied to Ohio or Alabama? Is either of them a state in the sense of international law? They lack all the leading requisites of such a state. They are only the geographical subdivisions of a state; and though endowed by the people of the United States with the rights of local self-government, yet in all their external relations their sovereignty is completely destroyed, being merged in the supreme Federal government.[5] Ohio cannot make war; cannot conclude peace; cannot make a treaty with any foreign government; cannot even make a compact with her sister State;

[1] International Law, Part II. Chap. I. Sec. 65.
[2] Rights of War and Peace, Book I. Chap. I. Sec. 14.
[3] Principles of Natural and Politic Law, Vol. II. Part I. Chap. IV. Sec. 9.
[4] Law of Nations, Book I. Chap. I. Sec. 1.
[5] See Halleck's International Law, Chap. III. Sec. 16.

cannot regulate commerce; cannot coin money; and has no flag. These indispensable attributes of sovereignty the State of Ohio does not possess, nor does any other State of the Union. We call them States for want of a better name. We call them States because the original Thirteen had been so designated before the Constitution was formed; but that Constitution destroyed all the sovereignty which those States were ever supposed to possess in reference to external affairs.

I submit, Mr. Speaker, that the five great publicists, Grotius, Puffendorf, Bynkershoek, Burlamaqui, and Vattel, who have been so often quoted in this debate, and all of whom wrote more than a quarter of a century, and some nearly two centuries, before our Constitution was formed, can hardly be quoted as good authorities in regard to the nature and legal relationships of the component States of the American Union.

Even my colleague from the Columbus district,[1] in his very able discussion of this question, spoke as though a State of this Union was the same as a state in the sense of international law, with certain qualities added. I think he must admit that nearly all the leading attributes of such a state are wanting to a State of our Union.

Several gentlemen in this debate have quoted the well-known doctrine of international law, "that war annuls all existing compacts and treaties between belligerents"; and they have concluded, therefore, that our war has broken the Federal bond and dissolved the Union. This would be true if the Rebel States were *states* in the sense of international law, — if our government were not a sovereign nation, but only a league between sovereign states.

I oppose to this conclusion the unanswerable proposition that this *is* a nation; that the Rebel States are *not* sovereign states, and therefore their failure to achieve independence was a failure to break the Federal bond, — to dissolve the Union. The word "state" which they discuss is no more applicable to Ohio than to Hamilton County. The States and counties of this Union are equally unknown to international law.

There is another expression to which I have referred, and which is used in an equally ambiguous manner. We have discussed the question here whether these insurgent States are in the Union. "In the Union." What do we mean by the

[1] Mr. Shellabarger.

phrase? In one sense, every inch of soil that we own is "in the Union." The Territory of Utah is in the Union. So is every Territory of the West in the Union; that is, under its authority, subject to its right of eminent domain. On the other hand, when some gentlemen say these States are "in the Union," they mean to include all their relations, all their rights and privileges, which is quite another thing. From this ambiguity in the use of terms have arisen most of the differences of opinion on this subject.

I would not be understood as saying that international law has nothing to do with the question before us. It has much to do with it. It furnished us with the rules of civilized nations in the conduct of war, the rights of belligerents, the treatment of prisoners, the rules of surrender, cartel, and parole. Guided by the precepts of international law, we are enabled to understand the rights and duties of neutral powers, and the legal results of successful war against domestic enemies and traitors. But when gentlemen quote the doctrines of international law in reference to sovereign nations, and apply them directly to the political status of the States of this Union, they lead us into error.

In view of the peculiar character of our government, I ask: In what condition has the war left the Rebel States? Did they accomplish their own destruction? Did they break the bonds which bound them to the Union? I answer, they would have done both these things, if anything short of successful revolution could do it. It was not, as some gentlemen hold, merely an insurrection of individuals. It was not, as most civil wars are, a war among the atoms, so to speak, flaming here and there, as fire breaks out in a hundred places in a city. It was a war of organized popular masses, or as the Supreme Court, borrowing the prophetic words of De Tocqueville, calls it, "a territorial civil war," in which we granted them belligerent rights, and claimed for ourselves both belligerent and sovereign rights. We could pursue them with war as enemies, or try them by criminal law as citizens, and hang them as condemned traitors.

I cannot agree with the distinguished gentleman from New York,[1] when he holds that we are to deal with the Rebels only as individuals. They struck at the Union through every instrumentality within their reach: through personal service in the army and individual contributions of money; through volun-

[1] Mr. Raymond.

tary associations to raise men and money; through popular mass meetings to inflame the passions and develop all the powers of their people; through township, county, and city corporations; through State conventions, that framed new constitutions in order the more perfectly to sever the bonds which held them to the Union; and, to make a more powerful and effectual instrument with which to establish their rebel sovereignty, through State legislatures, by laws levying taxes for the purchase of arms, ammunition, and all the *matériel* of war, by resolutions denouncing the pains and penalties of treason against all citizens who refused to join their conspiracy; and finally, through a confederation of eleven States, consolidated into a central sovereign government *de facto*, which became the most absolute military despotism in modern history, — a despotism which inundated with its deluge of tyranny all State guaranties, all municipal privileges, and assumed absolute control of all persons and property within the limits of its territory. There was not a conceivable calamity which could have befallen us as a nation that they did not attempt, with all their power and in every available way, to bring upon us. Individuals fought us as individuals; States as States fought us; and if a State can commit treason, each of the sinful eleven committed it again and again. The Rebels utterly subverted the governments of their States, they broke every oath by which they had bound themselves to the Union, they let go their hold upon the Union, and attempted to destroy it.

What was the tie that bound those States to the Union? For example, what made Alabama a State of the Union? Read the history of that transaction. When she had formed a constitution for herself in obedience to the law of Congress, when Congress had approved that constitution as republican in form, the following act was passed by the Congress of the United States, and was approved by the President, December 14, 1819: "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of Alabama shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever." Now, Alabama may violate a law of Congress, but she cannot annul it. She may break it, but she cannot make it void, except by successful revolution.

By another law of Congress, approved April 21, 1820, it was declared, "That all the laws of the United States which are not locally inapplicable shall be extended to the State of Alabama, and shall have the same force and effect within the same as elsewhere in the United States." By this law Congress extended our judiciary system over Alabama, dividing the State into judicial districts; and since that time, year by year, Congress has been covering Alabama with Federal legislation as with a network of steel. Has Alabama broken all these bonds? She has done all she could to break away from the Union, but she has not been able to destroy or render invalid one law of the republic. Alabama let go of the Union, but the Union did not let go of Alabama. We have held her through four years of war, and we hold her still. When she tried to break the Federal bonds, we called out millions of men in order that not one jot or tittle should pass from these laws, but that all should be fulfilled.

Let the stars of heaven illustrate our constellation of States. When God launched the planets upon their celestial pathway, he bound them all by the resistless power of attraction to the central sun, around which they revolved in their appointed orbits. Each may be swept by storms, may be riven by lightnings, may be rocked by earthquakes, may be devastated by all the terrestrial forces and overwhelmed in ruin, but far away in the everlasting depths the sovereign sun holds the turbulent planet in its place. This earth may be overwhelmed until the high hills are covered by the sea; it may tremble with earthquakes miles below the soil, but it must still revolve in its appointed orbit. So Alabama may overwhelm all her municipal institutions in ruin, but she cannot annul the omnipotent decrees of the sovereign people of the Union. She must be held forever in her orbit of obedience and duty.

MR. STEVENS. If the gentleman from Ohio will permit me, I will ask him a question. Some of the angels undertook to dethrone the Almighty, but they could not do it. And they were turned out of heaven because they were unable to break its laws. Are those devilish angels in or out of heaven?

I thank the gentleman from Pennsylvania for his interruption. The angels that kept not their first estate, — what was their fate? It was the Almighty who opened the shining gates of

heaven and hurled them down to eternal ruin. They did not go without his permission and help. And if these States are out of the Union, it must be because the sovereign people of the republic hurled them out; because they pleased to let them go. I am glad the gentleman interrupted me: he happily illustrates my position.

I will not discuss what we might do with Alabama, but simply what Alabama herself was able to do, and what she was not able to do, toward breaking up this Union. Two years ago, when I had the honor for the first time to address this House, the same question that is now before us was under discussion. I maintained then, as I hold to-day, that the Rebel States are not, in any legitimate sense of the words, out of the Union. I declared then, as I declare now, that by their own act of treason and rebellion they had forfeited all their rights in the Union, but they had released themselves from none of their obligations. It rests with the people of the republic to enforce the performance of these obligations, and, so soon as the national safety will permit, restore them to their rights.

Now, let us inquire how the surrender of the military power of the Rebellion affected the legal condition of those States. When the Rebellion collapsed, and the last armed man of the Confederacy surrendered to our forces, I affirm that there was not in one of those States a single government that we did or could recognize. There was not in one of those States a single man, from governor down to constable, whom we could recognize as authorized to exercise any official function whatever. They had formed governments alien and hostile to the Union. Not only had their officers taken no oaths to support the Constitution of the United States, but they had heaped oath upon oath to destroy it.

I go further. I hold that there were in those States no constitutions of any binding force and effect, — none that we could recognize. A constitution, in this case, can mean nothing less than a constitution of government. A constitution must constitute something, or it is no constitution. When we speak of the constitution of Alabama, we mean the constitution of the government of Alabama. When the Rebels surrendered, there remained no constitution in Alabama, because there remained no government. Those States reverted into our hands by victorious war, with every municipal right and every municipal

authority utterly and completely swept away. Whose duty was it to assume the control of them under such circumstances?

In the first instance, it was the duty of the President of the United States. Congress was not then in session. Military resistance to the armies of the Union had ceased, and the laws of war covered every inch of the conquered territory. I appeal to the high authority of international law, as stated by Halleck: —

"The government established over an enemy's territory during its military occupation may exercise all the powers given by the laws of war to the conqueror over the conquered, and is subject to all the restrictions which that code imposes. It is of little consequence whether such government be called a *military* or a *civil* government; its character is the same, and the source of its authority the same: in either case, it is a government imposed by the laws of war, and so far as it concerns the inhabitants of such territory, or the rest of the world, those laws alone determine the legality or illegality of its acts. But the conquering state may, of its own will, whether expressed in its constitution or in its laws, impose restrictions additional to those established by the usage of nations, conferring upon the inhabitants of the territory so occupied privileges and rights to which they are not strictly entitled by the laws of war; and, if such government of military occupation violate these additional restrictions so imposed, it is accountable to the power which established it, but not to the rest of the world." [1]

The same author applies the laws of war to the United States and holds that the President, as commander-in-chief, may establish a government over conquered territory, but that Congress may at any time put an end to such a government, and organize a new one.[2]

It was decided by the Supreme Court of the United States, in reference to the Mexican war, that on the conquest of a country the President may establish a provisional government, which may ordain laws and institute a judicial system, which will continue in force after the war, and until modified by the direct legislation of Congress or by the territorial government established by its authority.[3]

From these authorities and from the facts in the case it is evident, —

1. That, by conquest, the United States obtained complete control of the Rebel territory.

[1] International Law, Chap. XXXII. Sec. 1. [2] Ibid., Chap. XXXIII. Sec. 16.
[3] Leitensdorfer *v.* Webb, 20 Howard, 176.

2. That every vestige of municipal authority in those States was, by secession, rebellion, and the conquest of the rebellion, utterly destroyed.

3. That the state of war did not terminate with the actual cessation of hostilities, but that under the laws of war it was the duty of the President, as commander-in-chief, to establish governments over the conquered people of the insurgent States, which governments, no matter what may be their form, are really military governments, deriving their sole power from the President.

4. That the governments thus established are valid while the state of war continues, and until Congress acts in the case.

5. That it belongs exclusively to the legislative authority of the government to determine the political status of the insurgent States, either by adopting the governments the President has established, or by permitting the people to form others, subject to the approval of Congress.

The President might have sent a major-general, or any other military officer, to govern each one of the Rebel States. But he chose to consult the people, and allow them to adopt a form of government resembling civil government, so that they might the more easily come back to their places in due time. But it was none the less a military government for that reason. On any other ground the whole course of the President would have been an unwarrantable usurpation.

Now, holding first that the President had full authority in the matter, I ask, how long does his authority last? It is clearly settled by the authorities which I have quoted that it lasts until Congress speaks. So long as Congress is silent, the governments established by the President will remain.

It is now time, Mr. Speaker, that Congress should make its declaration of policy and principle in reference to these governments. Let us not quarrel with the past. Let us not endanger the future because the President's policy in the past has not been all we could desire. In one important particular I wish it had been different. When he appealed to the people of the South to co-operate with him in establishing his military governments, I greatly regret that he did not appeal to all the loyal people. I regret that he did not recognize the rights and consult the wishes of those loyal millions who were made free and made citizens also by the events of the war. But let that pass. What

he did he had a right to do; what remains to be done is for Congress and the President in their legislative capacity to determine. Our rights in this direction are as ample as the rights of conquest. What are they? I read from Woolsey the latest utterance of public law, made with direct reference to our war: "When a war ends to the disadvantage of the insurgents, municipal law may clinch the nail which war has driven, may hang, after legal process, instead of shooting, and confiscate the whole instead of plundering a part. But a wise and civilized nation will exercise only so much of this legal vengeance as the interests of lasting order imperiously demand." [1]

These capacious powers are in our hands. How shall we use them? I agree with my friend from Connecticut,[2] that we need not apply the *strictissimum jus* to these conquered people. We should do nothing inconsistent with the spirit and genius of our institutions. We should do nothing for revenge, but everything for security; nothing for the past, everything for the present and the future. Indemnity for the past we can never obtain. The three hundred thousand graves in which sleep our fathers and brothers, murdered by rebellion, will keep their sacred trust till the angel of the resurrection bids the dead come forth. The tears, the sorrow, the unutterable anguish of broken hearts, can never be atoned for. We turn from that sad but glorious past, and demand such securities for the future as can never be destroyed.

And first, we must recognize in all our action the stupendous facts of the war. In the very crisis of our fate God brought us face to face with the alarming truth that we must lose our own freedom or grant it to the slave. In the extremity of our distress we called upon the black man to help us save the republic, and amid the very thunder of battle we made a covenant with him sealed both with his blood and ours, and witnessed by Jehovah, that when the nation was redeemed he should be free and share with us the glories and blessings of freedom. In the solemn words of the great proclamation of emancipation, we not only declared the slaves forever free, but we pledged the faith of the nation "to maintain their freedom,"— mark the words, "*to maintain their freedom.*" The Omniscient Witness will appear in judgment against us if we do not fulfil that covenant.

[1] Introduction to the Study of International Law, (New York, 1867,) p. 231.
[2] Mr. Deming.

Have we done it? Have we given freedom to the black man? What is freedom? Is it a mere negation, — the bare privilege of not being chained, bought and sold, branded and scourged? If this be all, then freedom is a bitter mockery, a cruel delusion, and it may well be questioned whether slavery were not better.

But liberty is no negation. It is a substantive, tangible reality. It is the realization of those imperishable truths of the Declaration, "that all men are created equal," that the sanction of all just government is "the consent of the governed." Can these truths be realized until each man has a right to be heard on all matters relating to himself?

Mr. Speaker, we did more than merely break off the chains of the slaves. The abolition of slavery added four million citizens to the republic. By the decision of the Supreme Court, by the decision of the Attorney-General, by the decision of all the departments of our government, those men made free are, by the act of freedom, made citizens. As another has said, they must be "four million disfranchised, disarmed, untaught, landless, thriftless, non-producing, non-consuming, degraded men, or four million landholding, industrious, arms-bearing, and voting population. Choose between the two!"

If they are to be disfranchised, if they are to have no voice in determining the conditions under which they are to live and labor, what hope have they for the future? It will rest with their late masters, whose treason they aided to thwart, to determine whether negroes shall be permitted to hold property, to enjoy the benefits of education, to enforce contracts, to have access to the courts of justice, — in short, to enjoy any of those rights which give vitality and value to freedom. In that event, who can fail to foresee the ruin and misery that await this race, to whom the vision of freedom has been presented only to be withdrawn, leaving them without even the aid which the master's selfish commercial interest in their life and service formerly afforded them? Will these negroes, remembering the battle-fields on which nearly two hundred thousand of their number have so bravely fought, and many thousands have heroically died, submit to oppression as tamely and peaceably as in the days of slavery? Under such conditions there could be no peace, no security, no prosperity. The spirit of slavery is still among us; it must be utterly destroyed before we shall be safe.

Gibbon has recorded an incident which may serve to illustrate the influence of slavery in this country. The Christians of Alexandria, under the lead of Theophilus, their bishop, resolved, as a means of overthrowing Egyptian idolatry, to demolish the temple of Serapis and erect on its ruins a church in honor of the Christian martyrs.

"The colossal statue of Serapis was involved in the ruin of his temple and religion. . . . . It was confidently affirmed that, if any impious hand should dare to violate the majesty of the god, the heavens and the earth would instantly return to their original chaos. An intrepid soldier, animated by zeal, and armed with a weighty battle-axe, ascended the ladder, and even the Christian multitude expected with some anxiety the event of the combat. He aimed a vigorous stroke against the cheek of Serapis: the cheek fell to the ground; the thunder was still silent, and both the heavens and the earth continued to preserve their accustomed order and tranquillity. The victorious soldier repeated his blows: the huge idol was overthrown, and broken in pieces; and the limbs of Serapis were ignominiously dragged through the streets of Alexandria. His mangled carcass was burnt in the amphitheatre amidst the shouts of the populace; and many persons attributed their conversion to this discovery of the impotence of their tutelar deity." [1]

So sat slavery in this republic. The temple of the Rebellion was its sanctuary, and seven million Rebels were its devoted worshippers. Our loyal millions resolved to overthrow both the temple and its idol. On the first day of January, 1863, Abraham Lincoln struck the grim god on the cheek, and the faithless and unbelieving among us expected to see the fabric of our institutions dissolve into chaos because their idol had been smitten. He struck it again; Congress and the States repeated the blow, and its unsightly carcass lies rotting in our streets. The sun shines in the heavens brighter than before. Let us remove the carcass and leave not a vestige of the monster. We shall never have done that, until we declare that all men shall be consulted in regard to the disposition of their lives, liberty, and property.

Is this Congress brave enough and virtuous enough to apply that principle to every citizen, whatever be the color of his skin? The spirit of our government demands that there shall be no rigid, horizontal strata running across our political so-

[1] Decline and Fall of the Roman Empire, Chap. XXVIII.

ciety, through which some classes of citizens may never pass up to the surface; but it shall be rather like the ocean, where every drop can seek the surface and glisten in the sun. Until we are true enough and brave enough to declare that in this country the humblest, the lowest, the meanest of our citizens shall not be prevented from passing to the highest place he is worthy to attain, we shall never realize freedom in all its glorious meanings. I do not expect we can realize this result immediately; it may be impossible to realize it very soon; but let us keep our eyes fixed in that direction, and march toward that goal.

There is a second great fact which we must recognize, namely, that the seven million white men lately in rebellion now stand waiting to have their case adjudged, — to have it determined what their status shall be in this government. Shall they be held under military power? shall they be governed by deputies appointed by the Executive? or shall they again resume the functions of self-government in the Union? — are some of the questions growing out of this second fact.

I will proceed to state, in a few words, what seems to me necessary for the practical settlement of this question. In view of the events of the war, and the peculiar and novel situation of the parties and interests concerned; in view of the powers conferred upon us by the Constitution and the laws of war; and in view of the solemn obligations which rest upon us to maintain the freedom, security, and peace of all the citizens of the republic, — I inquire, What practical measures can we adopt best calculated to reach the desired result? It appears to me, sir, that we should take action in regard to persons and in regard to States.

In reference to *persons*, we must see to it that, hereafter, personal liberty and personal rights are placed in the keeping of the nation; that the right to life, liberty, and property shall be guaranteed to the citizen in reality, as it now is in the words of the Constitution, and no longer be left to the caprice of mobs or the contingencies of local legislation. If our Constitution does not now afford all the powers necessary to that end, we must ask the people to add them. We must give full force and effect to the provision that "no person shall be deprived of life, liberty, or property without due process of law." We must make it as true in fact as it is in law, that "The citizens

of each State shall be entitled to all privileges and immunities of citizens in the several States." We must make American citizenship the shield that protects every citizen, on every foot of our soil. The bill now before the House is one of the means for reaching this desirable result.

What shall be done with the States lately in rebellion? How shall we discharge our duty toward them? I shall hail with joy the day when they shall all be again in their places, loyally obedient and fully represented by loyal men. Are they now entitled to admission? Are they worthy of so great confidence? To my mind, Mr. Speaker, the *prima facie* evidence is against them; the burden of proof rests on each of them to show whether it is fit again to enter the Federal circle in full communion of privileges. We are sitting as a general court of the nation. They are to appear at the bar of the republic, and show cause why they should be brought in. I say the burden of proof is upon their shoulders. When we knew them last, they were hurling the lightnings of war against us; they were starving our soldiers whom they held as prisoners of war in their dungeons; they were burning our towns; they were hating the Union above all things, and were bound by bloody oaths to destroy it. Thus stood the case when Congress adjourned ten months ago. They must give us proof, strong as holy writ, that they have washed their hands and are worthy again to be trusted. No rumors of change; no Delphic oracle, telling beautiful tales of peace and restoration; no gentle declarations like those that we hear from the other side of this chamber, that the people of the South "have accepted the results of the war," — will suffice. I know they have accepted the results of war, — as Buckner accepted them at Fort Donelson, as Pemberton accepted them at Vicksburg, as Lee accepted them last April in Virginia.

I hasten to say, Mr. Speaker, that I do not expect seven million men to change their hearts — to love what they hated and hate what they loved — on the issue of a battle. Nor are we set up as a judge over their beliefs, their loves, or their hatreds. Our duty is to demand that before we admit them they shall give us sufficient assurance that, whatever they may think, believe, or wish, their actions in the future shall be such as loyal men can approve. What have they done to give us that assurance?

I hold in my hand, Mr. Speaker, a proclamation issued a few days since by Benjamin G. Humphreys, late a general in the Rebel army, now the so-called Governor of Mississippi, which will illustrate the spirit in which it is desired to administer the affairs of reorganized Mississippi. He says: —

"Whereas section six of an act of the Legislature of the State of Mississippi, entitled, 'An Act authorizing the issuance of treasury notes as advance upon cotton, approved December 19, 1861,' provides that whenever the present blockade of the ports of the Confederate States shall be removed," etc., etc. . . . .

"Now, therefore, I, Benjamin G. Humphreys, Governor of the State of Mississippi, by virtue of the authority vested in me by the constitution and laws of said State, do hereby proclaim that the blockade of the ports of the Confederate States has been removed; and I do require all persons to whom advances have been made to deliver the number of bales of cotton upon which they have received an advance, in accordance with their respective receipts on file in the auditor's office, within ninety days from the date of this proclamation."

Now, what does that mean? It means that he recognizes as valid the acts of the legislature of the late Rebel State of Mississippi and of the Confederate States, and bases his proclamation thereon. This proclamation reached us only a few days ago. And yet there are members of this House who ask us to admit the Representatives of Mississippi at once!

Now, Mr. Speaker, in the neighboring State of Virginia a law has lately been passed which declares certain negroes vagrants, and provides that as a penalty they may be sold into slavery. Major-General Terry, on the 24th of January, issued his military order nullifying that law. Is that a civil government in which the military authorities abrogate the laws? Are the men who make such laws worthy of our confidence? I say again, the case is against them, the burden of proof is on their shoulders. They must purge themselves before I can consent to let them in.

How stands the case in Tennessee, the least treasonable of all? In a letter addressed to yourself, Mr. Speaker, under date of January 15, 1866, after pleading for the admission of the delegation from that State, Governor Brownlow says: —

"Not a man south of Tennessee should be admitted until those States manifest less of the spirit of rebellion, and elect a more loyal set of men, and men who can take the Congressional test oath, which but few of those elected can do.

"If the removal of the Federal troops from Tennessee must necessarily follow upon the admission of our Congressional delegation to their seats, why, then, and in that case, the loyal men of Tennessee beg to be without Representatives in Congress. But our members can be admitted, and a military force retained sufficient to govern and control the rebellious. I tell you, and through you all whom it may concern, that without a law to disfranchise Rebels and a force to carry out the provisions of that law, this State will pass into the hands of the Rebels, and a terrible state of affairs is bound to follow. Union men will be driven from the State, forced to sacrifice what they have, and seek homes elsewhere. And yet Tennessee is in a much better condition than any of the other revolted States, and affords a stronger loyal population.

"Those who suppose the South is 'reconstructed,' and that her people cheerfully accept the results of the war, are fearfully deceived. The whole South is full of the spirit of rebellion, and the people are growing more bitter and insolent every day. Rebel newspapers are springing up all over the South, and speaking out in terms of bitterness and reproach against the government of the United States. These papers lead the people, and at the same time reflect their sentiments and feelings. Of the twenty-one papers in Tennessee, fourteen are decidedly Rebel, outspoken and undisguised, some of them pretending to acquiesce in the existing state of affairs. In all the vacancies occurring in our legislature, even with our franchise law in force, Rebels are invariably returned, and in some instances Rebel officers limping from wounds received in battle fighting against the United States forces; and yet I tell you that Tennessee is in a better condition than any other revolted State.

"Others will give you a more favorable account. I cannot in justice to myself and the truth. I think I know the Southern people. I have lived fifty-eight years in the South of choice, and two at the North of necessity."

In view of these facts, we await further proofs.

But, sir, there is a duty laid upon us by the Constitution. That duty is declared in these words: "The United States shall guarantee to every State in this Union a republican form of government." What does that mean? Read the twenty-first and forty-third numbers of the Federalist, and you will understand what the fathers of the Constitution meant when they put that clause into our organic law. With wonderful foresight, amounting almost to prophecy, they appear to have foreseen just such a contingency as the one that has arisen. Madison said that an insurrection might arise too powerful to be suppressed by the local authorities, and Congress must have

authority to put it down, and to see that no usurping government shall be erected on the ruins of a State.

What is a republican form of government? When the Union was formed the free colored people were not a tenth of the population of any State. Now all black men are free citizens; and "we are asked," as the lamented Henry Winter Davis has so clearly stated it, "to recognize as republican such despotisms as these: in North Carolina 631,000 citizens will ostracize 331,000 citizens; in Virginia, 719,000 citizens will ostracize 533,000 citizens; in Alabama, 596,000 citizens will ostracize 437,000 citizens; in Louisiana, 357,000 citizens will ostracize 350,000 citizens; in Mississippi, 353,000 citizens will ostracize 436,000 citizens; in South Carolina 291,000 citizens will ostracize 411,000 citizens."

We are asked to guarantee all these as republican governments! Gentlemen upon the other side of the House ask us to let such shameless despotisms as these be represented here as republican States. I venture to assert that a more monstrous proposition was never before made to an American Congress.

I am therefore in favor of the amendment to the Constitution that passed the House yesterday, to reform the basis of representation.[1] I could have wished that it had been more thorough and searching in its terms; I took it as the best we could get; but I say here, before this House, that I will never, so long as I have any voice in political affairs, rest satisfied until the way is opened by which these colored citizens, so soon as they are worthy, shall be lifted to the full rights of citizenship. I will not be factious in my action here. If I cannot to-day get all I desire, I will try again to-morrow, securing all that can be obtained to-day. But so long as I have any voice or vote here, it shall aid in giving the suffrage to every citizen qualified, by intelligence, to exercise it.

Mr. Speaker, I know of nothing more dangerous to a republic than to put into its very midst four million people stripped of the rights of citizenship, robbed of the right of representation, but bound to pay taxes to the government. If they can endure it, we cannot. The murderer is to be pitied more than the murdered man; the robber more than the robbed; and we who defraud four million citizens of their rights are injuring

[1] Namely, an amendment adopted by the House, January 31, 1866, but rejected by the Senate.

ourselves vastly more than we are injuring those whom we defraud. I say that the inequality of rights before the law, which is now a part of our system, is more dangerous to us than to the black man whom it disfranchises. It is like a foreign substance in the body, a thorn in the flesh; it will wound and disease the body politic.

I remember that this question of suffrage caused one of the greatest civil wars in the history of Rome. Ninety years before Christ, when Rome was near the climax of her glory, just before the dawn of the Augustan age, twelve peoples of Italy, to whom the franchise was denied, rose in rebellion against Rome; and after three years and ten months of bloody war they compelled Rome to make her first capitulation for three hundred years. For three hundred years the Roman eagle had been carried triumphantly over every battle-field; but when iron Rome, with all her pride and glory, met men who were fighting for the right of suffrage, she was compelled to succumb, and give the ballot to the twelve peoples to save herself from dissolution. Let us learn wisdom from that lesson, and extend the suffrage to people who may one day bring us more disaster than foreign or domestic war has yet done.

I must refer for a moment to the proposition of my friend from Connecticut,[1] who asks us to imbed in the imperishable bulwarks of the Constitution an amendment that will forbid secession in the future. I want no such change of the Constitution. The Rebels never had, by the Constitution, the right to secede. If we have not settled that question by war, it can never be settled by a court. The court of war is higher than any other tribunal. As the Governor of Ohio has so well said, "These things have been decided in the dread court of last resort for peoples and nations. By as much as the shock of armed hosts is more grand than the intellectual tilt of lawyers, as the God of battles is a more awful judge than any earthly court, by so much does the dignity of this contest and the finality of this decision exceed that of any human tribunal." I care not what provision might be in the Constitution; if any States of this Union desire to rebel and break up the Union, and are able to do it, they will do it in spite of the Constitution. All I want, therefore, is so to amend our Constitution and administer our laws as to secure liberty and loyalty among the citizens of the Rebel States.

[1] Mr. Deming.

I am not among those who believe that all men in the South are enemies in the eye of the law. Their property was "enemy's property" when it was transported and used contrary to the laws of the government; but all are not therefore enemies of the government. Judge Sprague, in the Amy Warwick case,[1] distinctly declared that they were only enemies in a technical sense; and in reference to property, Justice Nelson, in 1862, declared distinctly that men who resided within the limits of the rebellious States were not therefore to be considered as enemies. He distinctly declared that the question of their property being enemy's property depended upon the use made of it. If the attempt was made to take and transport the property in opposition to law, then it fell under the technical category of enemy's property, and not otherwise. I take it for granted that the farm of Andrew Johnson, in Tennessee, was never enemy's property. If he had undertaken to violate the revenue laws in the use of his property, it would have become such.

I remember that the long range of mountains stretching from Western Virginia, through Tennessee and Georgia, to the sand-hills of Mississippi, stood like a promontory in the fiery ruin with which the Rebellion had involved the republic. I remember that East Tennessee, with its loyal thousands, stood like a rock in the sea of treason. I remember that thirty-five thousand brave men from Tennessee stood beside us to assist in putting down the Rebellion. They are not enemies of the country, and never were; and it is cruelly wicked, by any fiction of the law, to call them so. To those patriotic men of Tennessee let me say, I want you to show that there is behind you a loyal State government, based on the will of loyal people, and that districts of loyal constituents have sent you here. When you do that, you shall have my vote in favor of your admission. But the burden of proof is on your shoulders.

Mr. Speaker, let us learn a lesson from the dealings of God with the Jewish nation. When his chosen people, led by the pillar of cloud and fire, had crossed the Red Sea and traversed the gloomy wilderness with its thundering Sinai, its bloody battles, disastrous defeats, and glorious victories, — when near the end of their perilous pilgrimage they listened to the last words of blessing and warning from their great leader, before he was buried with immortal honors by the angel of the Lord, — when at last the victorious host, sadly joyful, stood on the banks

[1] 2 Sprague's Decisions, 123.

of the Jordan, their enemies drowned in the sea or slain in the wilderness, — they paused, and, having reviewed the history of God's dealings with them, made solemn preparation to pass over and possess the land of promise. By the command of God, given through Moses and enforced by his great successor, the ark of the covenant, containing the tables of the Law and the sacred memorials of their pilgrimage, was borne by chosen men two thousand cubits in advance of the people. On the farther shore stood Ebal and Gerizim, the mounts of cursing and blessing, from which, in the hearing of all the people, were pronounced the curses of God against injustice and disobedience, and his blessing upon justice and obedience. On the shore, between the mountains and in the midst of the people, a monument was erected, and on it was written the words of the law, "to be a memorial unto the children of Israel for ever and ever." Let us learn wisdom from this illustrious example. We have passed the Red Sea of slaughter; our garments are yet wet with its crimson spray. We have crossed the fearful wilderness of war, and have left our three hundred thousand heroes to sleep beside the dead enemies of the republic. We have heard the voice of God amid the thunders of battle commanding us to wash our hands of iniquity, — to "proclaim liberty throughout all the land unto all the inhabitants thereof." When we spurned his counsels, we were defeated, and the gulfs of ruin yawned before us. When we obeyed his voice, he gave us victory. And now, at last, we have reached the confines of the wilderness. Before us is the land of promise, the land of hope, the land of peace, filled with possibilities of greatness and glory too vast for the grasp of the imagination. Are we worthy to enter it? On what condition may it be ours to enjoy and transmit to our children's children? Let us pause and make deliberate and solemn preparation. Let us, as representatives of the people, whose servants we are, bear in advance the sacred ark of republican liberty, with its tables of the law inscribed with the "irreversible guaranties" of liberty. Let us here build a monument on which shall be written, not only the curses of the law against treason, disloyalty, and oppression, but also an everlasting covenant of peace and blessing with loyalty, liberty, and obedience; and all the people will say, Amen!

AMERICAN SHIPPING.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 1, 1866, AND MAY 25, 1870.

PENDING a bill providing that no ship or vessel which had been recorded or registered as an American vessel pursuant to law, and which had afterward been licensed or otherwise authorized to sail under a foreign flag or the protection of a foreign government during the existence of the rebellion, should be deemed or registered as an American vessel, or should have the rights and privileges of American vessels, except under an act of Congress authorizing such registry, Mr. Garfield made the following remarks, February 1, 1866.

MR. SPEAKER, — Without having examined carefully the navigation laws of this country, I have looked into them enough to be satisfied of one or two things, which I desire to suggest to this House before the vote is taken on the passage of this bill.

In the first place, we have navigation laws borrowed from those monuments of tyranny, the Navigation Laws of Great Britain, which, more than any other laws ever enacted by Parliament, were the cause of the American Revolution. Among other features of these laws is one that forbids the buying of a vessel from a foreign country and sailing it under our flag, if it is a foreign bottom, no matter how cheaply we may purchase it, or under what circumstances we may obtain it. Unless we ourselves lay out upon it more money than the original cost of building the bottom abroad, we cannot sail it under the American flag. That, of course, shuts out all foreign-built vessels, however valuable they may be at any time. But I am not discussing that subject now, nor will I enter into a consideration of it at this time.

The question now under consideration is this. During this great war, when we were unable to protect our shipping on the

high seas, to protect our ships sailing under our own flag, there were many patriotic American citizens who simply registered their vessels for sailing under a foreign flag, that they might carry on their commerce without having their property destroyed by the pirates infesting the seas. Now, when eight hundred thousand tons of American shipping has thus been transferred by registry or by sale to foreign flags, it is proposed that none of it shall ever be registered again with the rights and privileges of American vessels, except by express act of Congress. One fifth of our tonnage has left us, and by this bill will be wholly excluded from our merchant marine.

Now, one gentleman[1] has spoken of these vessels as deserters in the same way precisely that we speak of deserters from our army. I care far more about our tonnage on the sea than I care about the individual shipper who took a register under a foreign flag. It is not now a question with me what the *status* of the shipper himself may be. I do not propose to injure all the interests of our merchant marine for the purpose of spiting a few of our speculators. It seems to me it would show a great want of proper policy on our part to do so.

MR. LYNCH. What I did say was this: that it would be impolitic for any government to encourage the desertion of its citizens with their property during a period of war, those citizens identifying their interests for the time being with the interests of the enemy. My remarks had no reference whatever to "skippers." I did say, and I now repeat, that every man who, during the war, put his vessel under a foreign flag identified his interests with those of the foreigners who were assisting in the destruction of our commerce; and if we encourage such desertion, and pay a premium upon it, some of our citizens will always desert us with their property in time of war. I hold that we should not give encouragement to conduct of this sort.

Mr. Speaker, if in time of war I own a piece of property which I cannot keep safe in this country, and the keeping of which will ruin me pecuniarily, I ask whether the Congress of my country should prohibit me from selling that property to foreigners, or, if I have sold it, prohibit me from repurchasing it and using it here where I first acquired that property? If I sell to a Canadian, or any other foreigner, an engine which I own, and which I have used perhaps to operate a saw-mill on the Ohio, is it right that I should be prohibited from repurchas-

[1] Mr. Lynch, of Maine.

ing that engine by and by, and using it in this country? Now, sir, this bill proposes that, whenever an American vessel shall have been sold to a foreigner, or even registered to sail under a foreign flag, such vessel shall never be permitted to re-enter our service without special authority from Congress.

MR. ELIOT. This bill does not refer to sales of vessels at all, neither sham sales nor *bona fide* sales. It only covers a class of cases where American ship-owners have obtained for their vessels the protection of foreign powers, have procured permits or licenses from foreign governments, thus waiving the benefit of their own flag for the sake of securing the protection of foreign powers. The bill provides that in such cases the vessel shall no longer be deemed an American vessel, unless the party interested can satisfy Congress that the vessel ought to be granted an American register.

Mr. Speaker, the gentleman's statement is all the worse for his cause. He says that the bill does not apply to a vessel that was sold, alienated to a foreigner, but merely to vessels which were registered to sail under a foreign flag that could protect them. What the owners in the latter cases did is not nearly so bad as the act of those who alienated their vessels to foreigners. I say that the owner of a vessel, if our flag cannot protect it, ought to be entitled to register his vessel under a flag that can protect it; and when we are again able to protect it, I am in favor, if not for his sake, at least for the sake of the merchant service, of allowing his vessel to come back and sail under our flag, and thus increase our tonnage.

I maintain that this question is a matter of tonnage, and not of men. I am in favor of the amendment suggested by my colleague,[1] that all these cases be referred to the Secretary of the Treasury, who may look into the question of the loyalty of the owner; and that the Secretary of the Treasury shall be authorized to register his vessel, if he be a loyal man. I would be the last man to grant any favor to a rebel; but I would grant favors to the American merchant service. I would increase our tonnage.

Some gentlemen here propose to wait for the increase of our tonnage until the shipbuilders of Maine and New Hampshire, and other States on the Atlantic seaboard, can build us vessels. The gentleman from Maine[2] has said that in Nova Scotia vessels can be built at a cost of forty dollars to the ton, while in Maine

[1] Mr. Spaulding. [2] Mr. Pike.

their construction costs one hundred dollars to the ton. Therefore, it is urged, we cannot compete with foreign shipbuilders. Now I do not propose to give the men in the Atlantic cities sixty dollars on the hundred, when we can get increased service for the country by simply re-registering the vessels which we could not protect.

MR. PIKE. Will the gentleman tell me what difference it makes to the shipper in New York, whether he imports his goods in British or American bottoms? What difference is there in insurance? And will he tell me further, whether it is not a fact that of the goods imported more than seventy-five per cent do not come in British bottoms?

I will answer the gentleman with one general fact, namely, that, for some reason deemed good by them, the owners of those vessels which have been registered under foreign flags desire to bring their ships back. That is proved. If it is for the advantage of the ships to come back for business, they will come back.

MR. PIKE. The gentleman speaks, not of shipbuilders, but of merchants. He says that merchants would forthwith have to pay enhanced prices for vessels. I ask him whether he cannot employ British ships on precisely the same terms to import his goods as American ships? Let him answer that question.

Mr. Speaker, we are talking now of shipping, and not of the interests of merchants of New York. We are talking of our general power to export and import goods; and now, when it is proved that a part of our tonnage has gone during the war, we are asked to keep it out in order that the shipbuilders of this country may have the job of filling the vacuum. I propose we shall fill that vacuum by the most expeditious method in our power.

I call this House to witness that at the last session I declared, as I now declare, myself forever opposed to all monopolies, whether of railroads, shipbuilders, or of any other associations, which propose to cripple the commerce of the republic either among the States or upon the high seas. I look on this as one of those monopolies, and I am surprised that my able and distinguished friend from the Galena district, Illinois,[1] should vote in any other way than against this measure, he being a strong anti-monopoly man, as he has so often avowed himself on this floor. I do not care what political company it puts me in; I

[1] Mr. Washburn.

do not care who associates with me; I shall associate with every man who puts his foot down on these monopolies, one of which I declare this to be.

[After some brief speeches from several gentlemen, Mr. Garfield continued.]

Mr. Speaker, I have only two things to say before I call for the previous question and close the debate.

The distinguished gentleman from Massachusetts[1] said this was a proposition to exclude men who had deserted our flag. I declare the gentleman has not met the point. It is not a law against men; it is a law against tonnage, and not men. He may make all the legislation he pleases against letting disloyal men come back, and I will vote with him; but let him make that discrimination.

He says we propose to change the policy of the government. My answer is in one word. It is the gentleman himself who is proposing to change the policy of the government, as the Secretary of the Treasury is every day allowing these vessels to be re-registered. They propose by this change of the law to keep these vessels out of our merchant marine. We are simply opposing a change in the law in favor of a monopoly.

The gentleman from Maine[2] says, if we make free trade on this subject, let us make free trade on all. He will not deter me from my purpose by shaking that red rag before me. I do not care what name he calls it; I know it is not free trade; I know only that what he proposes is to discriminate against all other property and in favor of the property of the shipbuilders. If he will apply the same law to property in ships that he applies to all kinds of property in the great West, then he will find that he cannot maintain his law. All I ask is that the same law shall be applied to both. I call the previous question.

On the 25th of May, 1870, pending a bill to revive the navigation and the commercial interests of the United States, by means of rebates of duties on shipbuilding materials imported, and by means of bounties on tonnage, Mr. Garfield said: —

Mr. Speaker, — I desire in the ten minutes awarded me to present three points for the consideration of the House.

[1] Mr. Banks. [2] Mr. Blaine.

I have studied this subject as presented in the report of the committee and elsewhere, and it seems to me that the trouble about our tonnage at the present time is not that there is a lack of tonnage on the ocean, but that American people do not control a requisite share of that tonnage. It seems to me we shall make a mistake if we proceed on the supposition that there is a lack of tonnage, and that greater means of transportation on the high seas are needed. In a report made in 1861 by an American consul, which appears to be a very comprehensive one, it was shown that the tonnage of the world was about seventeen million tons, of which the United States owned five and a half millions; Great Britain five and three quarters millions; and all other countries about five and three quarters millions. Or we might say that the tonnage on the high seas was about equally divided into three equal shares, of which one was held by the United States, one by Great Britain, and one by all other countries.

It appears that now, in consequence of the war and various other causes, there has been a change in the relative ownership of the tonnage, but not in the total amount. There are no complaints from shippers that they cannot get merchandise shipped across the sea. They complain only that the American flag does not cover a sufficient amount of the tonnage. The question, then, which we have to determine, is this: Will we remedy the evil by increasing the total volume of tonnage, or shall we seek some method of placing a greater share of it under the American flag?

From the latest reports of our Treasury Department, it appears that the total tonnage of Great Britain is now 5,500,000 tons, while the tonnage of the United States is 4,144,640 tons. But the tonnage of the United States includes 1,523,931 tons in the coasting trade, 661,366 on our lakes, and 392,901 on our rivers, leaving our ocean tonnage only 1,566,421 tons, — vastly less than it was before the war.

The trouble is not that we have not tonnage at home; it is that we lack tonnage on the seas. At the present moment there are one hundred and seventeen steamers that plough the ocean between America and Europe, and not one of them flies the American flag. Nevertheless, a respectable share of the capital in those ships is owned by Americans. The German line is very largely owned by American citizens; the Guion

line is, I think, also mainly owned by American citizens; but these citizens are compelled to put their capital into ships that sail under foreign flags. These facts present the first point I desired to make, in order that we may see where the difficulty lies, and keep this fact in view in adopting remedies.

I now desire to call the attention of the House to a second point, which is this. I object to the bill as reported by the committee because it does not give aid to that part of our commerce that needs relief, to our foreign tonnage, and does give aid where relief is not needed. Now, I can have no better proof of this than the sensitiveness of the gentleman from Maine[1] in regard to any amendment which shall limit the operation of the bill to vessels engaged in foreign trade. When the bill was open to amendment yesterday, and when the gentleman from Iowa[2] proposed an amendment of six words to limit all these drawbacks, bounties, subsidies, tonnage dues, and various aids provided in the bill to ships of two thousand tons and upward, the gentleman in charge of the bill would not permit the amendment to be offered. This morning the gentleman has offered a substitute, which I have read at the clerk's desk, and I find it only limits the operation of the bill to ships of one thousand tons and upward, which would include a large share of the shipping even on our Northern lakes, and which, in all its more important features, will apply to the coasting trade. I desire, therefore, to say that, whatever may be the purpose of those who support this bill, it is perfectly clear that it will give great additional advantages to the builders of ships for the coasting trade, — a class of men who are to-day engaged in a business of which they have the absolute monopoly as against all foreigners. There is not a keel owned or built by foreigners that can, under our laws, engage in our lake and coasting trade. All the vessels engaged in it are built and wholly owned by Americans. There appears to be no other falling off in our coasting trade than that which the natural competition of railroads has produced. Now, notwithstanding this monopoly, a bill is proposed that cannot take less than ten million dollars a year out of the treasury, to increase the profits of those who are engaged in building vessels for the coasting trade.

But I have further asserted that this bill will not give the

[1] Mr. Lynch. [2] Mr. Allison.

needed relief to our foreign commerce. And why? It will not enable our shipbuilders to compete with the shipbuilders of the Clyde. From the study that I have been able to give to the subject, I affirm that all the subsidies, bounties, and drawbacks provided in this bill will not enable us to compete with the cheap iron vessels built on that river. Germany and all the maritime countries of Europe, even those that admit shipbuilding materials free of duty, have utterly failed to compete with the Clyde shipbuilders. All the maritime countries of Europe are to-day going to them to buy their vessels for their own trade. The price of labor and materials there is so much less than here that it will require nearly one hundred per cent of government aid to enable us to compete with them. This is the testimony of experts and the experience of other nations. I affirm, therefore, that for the purposes of our foreign trade this bill is wholly inadequate, and for the purposes of the coasting trade it is wholly unnecessary. On this statement, to which I challenge the attention of the House, I rest my opposition to this bill. But I will add another consideration.

There is one feature of this bill, the subsidy provision, which is odious to the American people. It is a feature, I think, which no man in this House, certainly no representative of an inland district, can support and sustain himself before his constituents. And now we are called upon, at the last moment, to vote, as we shall be compelled to do, I presume, under the previous question, upon a new bill, which has not yet been read, but which has been reported by the committee as a substitute for the original bill and all the amendments. Under these circumstances, I think it wiser to lay the bill and the pending amendments on the table, or to recommit and postpone it until in calmer times and with fuller deliberation we can devise some real and effective remedy for our decayed commerce. I am not at liberty to make a motion on this subject, and will now return the floor to the gentleman from Illinois,[1] by whose courtesy I have been occupying it.

[1] Mr. Farnsworth.

THE NATIONAL BUREAU OF EDUCATION.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 8, 1866.

AT its annual meeting held in Washington, D. C., in February, 1866, the National Association of School Superintendents memorialized Congress to establish a National Bureau of Education. A bill was also prepared by the direction of the Association, embodying its views. By the request of the Association, Mr. Garfield presented the memorial and the bill in the House of Representatives. The bill was read twice, referred to a select committee of seven, and ordered printed. April 3 following, he reported from the committee a substitute for the original bill, — changed only in the name. June 8, he closed the debate upon the bill in the following speech. The vote was adverse. Immediately a motion to reconsider was entered. June 19, the motion to reconsider was carried, and the bill passed. At the next session the bill passed the Senate, and the President's approval, March 2, 1867, made it law.

This measure was peculiarly Mr. Garfield's work. He introduced the subject to the House, was the chairman of the special committee, reported the second bill, and was its principal champion on the floor. Both the Bureau and his speech attracted the attention of educators and the friends of education beyond the sea. An example is furnished by the following letter: —

"ROCHDALE, January 4, 1868.

"DEAR SIR, — I write to thank you for sending me a copy of General Garfield's speech on education. I have read it with much interest.

"The department now to be constituted at Washington will doubtless prepare statistics which will inform the world of what is doing in the United States on the Education question; and the volume it will publish will have a great effect in this country, and, indeed, in all civilized countries. You will have observed the increased interest in education shown in England since the extension of the suffrage. I hope some great and good measure may be passed at an early period. I am very truly yours.

"JOHN BRIGHT.

"GEORGE J. ABBOTT, Esq., United States Consul, Sheffield."

The bill as drawn by Mr. Garfield, and as it became a law, is as follows: —

"An Act to establish a Department of Education.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established, at the city of Washington, a Department of Education, for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country.

"Sec. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a Commissioner of Education, who shall be intrusted with the management of the Department herein established, and who shall receive a salary of four thousand dollars per annum, and who shall have authority to appoint one chief clerk of his Department, who shall receive a salary of two thousand dollars per annum, one clerk who shall receive a salary of eighteen hundred dollars per annum, and one clerk who shall receive a salary of sixteen hundred dollars per annum, which said clerks shall be subject to the appointing and removing power of the Commissioner of Education.

"Sec. 3. *And be it further enacted*, That it shall be the duty of the Commissioner of Education to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this Department is established. In the first report made by the Commissioner of Education under this act, there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed, the amount of funds arising therefrom, and the annual proceeds of the same, as far as the same can be determined.

"Sec. 4. *And be it further enacted*, That the Commissioner of Public Buildings is hereby authorized and directed to furnish proper offices for the use of the Department herein established."

MR. SPEAKER, — I did intend to make a somewhat elaborate statement of the reasons why the select committee recommend the passage of this bill; but I know the anxiety that many gentlemen feel to have the debate concluded, to

allow the private bills now on the calendar, and set for to-day, to be disposed of, and to complete as soon as possible the work of this session. I will therefore abandon my original purpose, and restrict myself to a brief statement of a few leading points in the argument, and leave the decision with the House. I hope this waiving of a full discussion of the bill will not be construed into a confession that it is inferior in importance to any measure before the House; for I know of none that has a nobler object, or that more vitally affects the future of this nation.

I first ask the House to consider the magnitude of the interests involved in the bill. The very attempt to discover the amount of pecuniary and personal interest we have in our schools shows the necessity of such a law as is here proposed. I have searched in vain for any complete or reliable statistics showing the educational condition of the whole country. The estimates that I have made are gathered from various sources, and can be only approximately correct. I am satisfied, however, that they are far below the truth.

Even from the incomplete and imperfect educational statistics of the Census Bureau, it appears that in 1860 there were in the United States 115,224 common schools, 500,000 school officers, 150,241 teachers, and 5,477,037 scholars; thus showing that more than 6,000,000 of the people of the United States are directly engaged in the work of education. Not only has this large proportion of our population been thus engaged, but the Congress of the United States has given 53,000,000 acres of public lands to fourteen States and Territories of the Union for the support of schools. In the old ordinance of 1785, it was provided that one section of every township — one thirty-sixth of all the public lands of the United States — should be set apart, and held forever sacred to the support of the schools of the country. In the ordinance of 1787, it was declared that, "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." It is estimated that at least $50,000,000 has been given in the United States by private individuals for the support of schools. We have thus an interest, even pecuniarily considered, hardly second to any other. We have school statistics tolerably complete from only seventeen States

of the Union. Our Congressional library contains no educational reports whatever from the remaining nineteen. In those seventeen States, there are 90,835 schools, 129,000 teachers, 5,107,285 pupils; and $34,000,000 is annually appropriated by the legislatures for the support and maintenance of common schools. Notwithstanding the great expenditures entailed upon them during four years of war, they raised by taxation $34,000,000 annually for the support of public education. In several States of the Union, more than fifty per cent of all the tax imposed for State purposes is for the support of the public schools. And yet gentlemen are impatient because we wish to occupy a short time in considering this bill.

I will not trouble the House by repeating such commonplaces, so familiar to every gentleman here, as that our system of government is based upon the intelligence of the people. But I wish to suggest that there never has been a time when all our educational forces should be in such perfect activity as at the present day. Ignorance—stolid ignorance—is not our most dangerous enemy. There is very little of that kind of ignorance among the white population of this country. In the Old World, among the despotic governments of Europe, the great disfranchised class—the pariahs of political and social life—are indeed ignorant, mere inert masses, moved and controlled by the intelligent and cultivated aristocracy. Any unrepresented and hopelessly disfranchised class in a government will inevitably be struck with intellectual paralysis. Our late slaves afford a sad illustration. But among the represented and voting classes of this country, where all are equal before the law, and every man is a political power for good or evil, there is but little of the inertia of ignorance. The alternatives are not education or no education; but shall the power of the citizen be directed aright towards industry, liberty, and patriotism? or, under the baneful influence of false theories and evil influences, shall it lead him continually downward, and work out anarchy and ruin, both to him and the government? If he is not educated in the school of virtue and integrity, he will be educated in the school of vice and iniquity. We are, therefore, afloat on the sweeping current: we must make head against it, or we shall go down with it to the saddest of destinies. According to the census of 1860, there were 1,218,311 inhabitants of the United States over

twenty-one years of age who could not read or write; and 871,418 of these were American-born citizens. One third of a million of people are being annually thrown upon our shores from the Old World, a large per cent of whom are uneducated; and the gloomy total has been swelled by the four million slaves admitted to citizenship by the events of the war.

Such, sir, is the immense force which we must now confront by the genius of our institutions and the light of our civilization. How shall it be done? An American citizen can give but one answer. We must pour upon them all the light of our public schools. We must make them intelligent, industrious, patriotic citizens, or they will drag us and our children down to their level. Does not this question rise to the full height of national importance, and demand the best efforts of statesmanship to adjust it?

Horace Mann has well said, —

"Legislators and rulers are responsible. In our country and in our times no man is worthy the honored name of a statesman who does not include the highest practicable education of the people in all his plans of administration. He may have eloquence, he may have a knowledge of all history, diplomacy, jurisprudence, and by these he may claim, in other countries, the elevated rank of a statesman; but unless he speaks, plans, labors, at all times and in all places, for the culture and edification of the whole people, he is not, he cannot be, an American statesman." [1]

Gentlemen who have discussed the bill this morning tell us that it will result in great expense to the government. Whether an enterprise is expensive or not is altogether a relative question, to be determined by the importance of the object in view.

Now, what have we done as a nation in the way of expenses? In 1832 we organized a Coast Survey Bureau, and have expended millions upon it. Its officers have triangulated thousands of miles of our coasts, have made soundings of all our bays and harbors, and carefully mapped the shoals, breakers, and coast-lines from our northern boundary on the Atlantic to the extreme northern boundary on the Pacific coast. They have established eight hundred tidal stations to observe the fluctuations of the tides. We have expended vast sums in order perfectly to know the topography of our coasts, lakes, and rivers, that we might make navigation more safe. Is it of no consequence that we explore the boundaries of that wonderful intel-

[1] Life and Works, Vol. II. p. 188 (Cambridge, 1867).

lectual empire which encloses within its domain the fate of succeeding generations and of this republic? The children of to-day will be the architects of our country's destiny in 1900.

We have established an Astronomical Observatory, where the movements of the stars are watched, latitude and longitude calculated, and chronometers regulated for the benefit of navigation. For this observatory we pay one third of a million per annum. Is it of no consequence that you observe the movements of those stars which shall, in the time to come, be guiding stars in our national firmament?

We have established a Light-House Board that is employing all the aids of science to discover the best modes of regulating the beacons upon our shores: it is placing buoys as way-marks to guide ships safely into our harbors. Will you not create a light-house board to set up beacons for the coming generation, not as lights to the eye, but to the mind and heart, that shall guide them safely in the perilous voyage of life, and enable them to transmit the blessings of liberty to those who shall come after them?

We have set on foot a score of expeditions to explore the mountains and valleys, the lakes and rivers, of this and other countries. We have expended money without stint to explore the Amazon and the Jordan, Chili and Japan, the gold shores of Colorado and the copper cliffs of Lake Superior, to gather and publish the great facts of science, and to exhibit the material resources of physical nature. Will you refuse the pitiful sum of $13,000 to collect and record the intellectual resources of this country, the elements that lie behind all material wealth, and make it either a curse or a blessing?

We have paid three quarters of a million dollars for the survey of the route for the Pacific Railroad, and have published the results, at a great cost, in thirteen quarto volumes, with accompanying maps and charts. The money for these purposes was freely expended. And now, when it is proposed to appropriate $13,000 to aid in increasing the intelligence of those who will use that great continental highway when it is completed, we are reminded of our debts, and warned against increasing our expenditures. It is difficult to treat such an objection with the respect that is always due in this hall of legislation.

We have established a Patent-Office, where are annually

accumulated thousands of models of new machines invented by our people. Will you make no expenditure for the benefit of the intelligence that shall stand behind those machines, and be their controller? Will you bestow all your favors upon the engine and ignore the engineer? I will not insult the intelligence of this House by waiting to prove that money paid for education is the most economical of all expenditures; that it is cheaper to prevent crime than to build jails; that schoolhouses are less expensive than rebellions. A tenth of our national debt expended in public education fifty years ago would have saved us the blood and treasure of the late war. A far less sum may save our children from a still greater calamity.

We expend hundreds of thousands annually to promote the agricultural interests of the country,— to introduce the best methods in all that pertains to husbandry. Is it not of more consequence to do something for the farmer of the future than for the farm of to-day? As man is more precious than soil, as the immortal spirit is nobler than the clod it animates, so is the object of this bill more important than any mere pecuniary interest.

The genius of our government does not allow us to establish a compulsory system of education, as is done in some of the countries of Europe. There are States in this Union, however, which have adopted a compulsory system; and perhaps that is well. It is for each State to determine. A distinguished gentleman from Rhode Island told me lately, that it is now the law in that State that every child within its borders shall attend school, and that every vagrant child shall be taken in charge by the authorities, and sent to school. It may be well for other States to pursue the same course; but probably the general government can do nothing of the sort. Whether it has the right of compulsory control or not, we propose none in this bill. But we do propose to use that power, so effective in this country, of letting in light on subjects, and holding them up to the verdict of public opinion. If it could be published annually from this Capitol, through every school district of the United States, that there are States in the Union that have no system of common schools, — and if their records could be placed beside the records of such States as Massachusetts, New York, Pennsylvania, Ohio, and other States that have a common-school system, — the mere statement of the fact would

rouse their energies, and compel them for shame to educate their children. It would shame all the delinquent States out of their delinquency.

Mr. Speaker, if I were called upon to-day to point to that in my own State of which I am most proud, I would not point to any of the flaming lines of her military record, to the heroic men and the brilliant officers she gave to this contest; I would not point to any of her leading men of the past or the present: but I would point to her common schools; I would point to the honorable fact, that in the great struggle of five years, through which we have just passed, she has expended $12,000,000 for the support of her public schools. I do not include in that amount the sums expended upon our higher institutions of learning. I would point to the fact, that fifty-two per cent of the taxation of Ohio for the last five years, aside from the war-tax and the tax for the payment of her public debt, has been for the support of her schools. I would point to the schools of Cincinnati, Cleveland, Toledo, and other cities of the State, if I desired a stranger to see the glory of Ohio. I would point to the 13,000 schoolhouses and the 700,000 pupils in the schools of Ohio. I would point to the $3,000,000 she has paid for schools during the last year alone. This, in my judgment, is the proper gauge by which to measure the progress and glory of States.

Gentlemen tell us there is no need of this bill; the States are doing well enough now. Do they know through what a struggle every State has come up that has secured a good system of common schools? Let me illustrate this by one example.

Notwithstanding the early declaration of William Penn, "That which makes a good constitution must keep it, namely, men of wisdom and virtue, — qualities that, because they descend not with worldly inheritance, must be carefully propagated by a virtuous education of youth, for which spare no cost, for by such parsimony all that is saved is lost"; notwithstanding that wise master-builder incorporated this sentiment in his "framework of government," and made it the duty of the Governor and Council "to establish and support public schools"; notwithstanding Benjamin Franklin, from the first hour he became a citizen of Pennsylvania, inculcated the value of useful knowledge to every human being in every walk of life, and by his personal and pecuniary effort did establish schools and a college for Philadelphia; notwithstanding the Constitution of Pennsylvania made it

obligatory upon the legislature to foster the education of the citizens: notwithstanding all this, it was not till 1833–34 that a system of common schools, supported in part by taxation of the property of the State, for the common benefit of all the children of the State, was established by law; and although the law was passed by an almost unanimous vote of both branches of the legislature, so foreign was the idea of public schools to the habits of the people, so odious was the idea of taxation for this purpose, that even the poor who were to be specially benefited were so deluded by political demagogues as to clamor for its repeal. Many members who voted for the law lost their nominations; and others, although nominated, lost their elections. Some were weak enough to pledge themselves to a repeal of the law; and in the session of 1835 there was an almost certain prospect of its repeal, and the adoption in its place of an odious and limited provision for educating the children of the poor by themselves. In the darkest hour of the debate, when the hearts of the original friends of the system were failing from fear, there rose on the floor of the House one of its early champions; one who, though not a native of the State, felt like a knife in his bosom the disgrace which the repeal of this law would inflict; one who, though no kith or kin of his would be benefited by the operations of the system, and who, though he would share its burdens, would only partake with every citizen in its blessings; one who voted for the original law although introduced by his political opponents, and who had defended and gloried in his vote before an angry and unwilling constituency: this man, then in the beginning of his public career, threw himself into the conflict, and by his earnest and brave eloquence saved the law, and gave a noble system of common schools to Pennsylvania. I doubt if at this hour, after the thirty years crowded full of successful labors at the bar, before the people, and in halls of legislation, the venerable and distinguished member, who now represents a portion of the same State in this House,[1] can recall any other speech of his life with half the pleasure he does that one; for no measure with which his name has been connected is so fraught with blessings to hundreds of thousands of children, and to homes innumerable. I hold in my hand a copy of his brave speech, and I ask the clerk to read the passages that I have marked.

[1] Mr. Stevens.

"I am comparatively a stranger among you, born in another, in a distant State: no parent or kindred of mine did, does, or probably ever will dwell within your borders. I have none of those strong cords to bind me to your honor and your interest; yet, if there is any one thing on earth which I ardently desire above all others, it is to see Pennsylvania standing up in her intellectual, as she confessedly does in her physical resources, high above all her confederate rivals. How shameful, then, would it be for these her native sons to feel less so, when the dust of their ancestors is mingled with her soil, their friends and relatives enjoy her present prosperity, and their descendants, for long ages to come, will partake of her happiness or misery, her glory or her infamy! . . . .

"In giving this law to posterity you act the part of the philanthropist, by bestowing upon the poor, as well as the rich, the greatest earthly boon which they are capable of receiving; you act the part of the philosopher, by pointing, if you do not lead them, up the hill of science; you act the part of the hero, if it be true, as you say, that popular vengeance follows close upon your footsteps. Here, then, if you wish true popularity, is a theatre on which you may acquire it. . . . .

"Let all, therefore, who would sustain the character of the philosopher or philanthropist, sustain this law. Those who would add thereto the glory of the hero can acquire it here; for, in the present state of feeling in Pennsylvania, I am willing to admit that but little less dangerous to the public man is the war-club and battle-axe of savage ignorance than to the lion-hearted Richard was the keen cimeter of the Saracen. He who would oppose it, either through inability to comprehend the advantages of general education, or from unwillingness to bestow them on all his fellow-citizens, even to the lowest and the poorest, or from dread of popular vengeance, seems to me to want either the head of the philosopher, the heart of the philanthropist, or the nerve of the hero."

He has lived long enough to see this law, which he helped to found in 1834, and more than any other man was instrumental in saving from repeal in 1835, expanded and consolidated into a noble system of public instruction. Twelve thousand schools have been built by the voluntary taxation of the people, at a cost, for schoolhouses alone, of nearly $10,000,000. Many millions of children have been educated in these schools. More than seven hundred thousand attended the public schools of Pennsylvania in 1864–65; and their annual cost, provided by voluntary taxation in the year 1864, was nearly $3,000,000, giving employment to sixteen thousand teachers. It is glory enough for one man to have connected his name so honorably with the original establishment and effective defence of such a system.

But it is said that the thirst for knowledge among the young, and the pride and ambition of parents for their children, are agencies powerful enough to establish and maintain thorough and comprehensive systems of education. This suggestion is answered by the unanimous voice of publicists and political economists. They all admit that the doctrine of "demand and supply" does not apply to educational wants. Even the most extreme advocates of the principle of *laissez faire*, as a sound maxim of political philosophy, admit that governments must interfere in aid of education. We must not wait for the *wants* of the rising generation to be expressed in a *demand* for means of education. We must ourselves discover or supply their *needs* before the time for supplying them has forever passed. John Stuart Mill says: —

"But there are other things, of the worth of which the demand of the market is by no means a test; things of which the utility does not consist in ministering to inclinations, nor in serving the daily uses of life, and the want of which is least felt where the need is greatest. This is peculiarly true of those things which are chiefly useful as tending to raise the character of human beings. The uncultivated cannot be competent judges of cultivation.

"Those who most need to be made wiser and better usually desire it least, and, if they desired it, would be incapable of finding the way to it by their own lights. It will continually happen, on the voluntary system, that, the end not being desired, the means will not be provided at all, or that, the persons requiring improvement having an imperfect or altogether erroneous conception of what they want, the supply called forth by the demand of the market will be anything but what is really required. Now, any well-intentioned and tolerably civilized government may think, without presumption, that it does, or ought to, possess a degree of cultivation above the average of the community which it rules, and that it should therefore be capable of offering better education and better instruction to the people than the greater number of them would spontaneously select.

"Education, therefore, is one of those things which it is admissible in principle that a government should provide for the people. The case is one to which the reasons of the non-interference principle do not necessarily or universally extend.

"With regard to elementary education, the exception to ordinary rules may, I conceive, justifiably be carried still further. There are certain primary elements and means of knowledge which it is in the highest degree desirable that all human beings born into the community should

acquire during childhood. If their parents, or those on whom they depend, have the power of obtaining for them this instruction, and fail to do it, they commit a double breach of duty, — toward the children themselves, and toward the members of the community generally, who are all liable to suffer seriously from the consequences of ignorance and want of education in their fellow-citizens. It is, therefore, an allowable exercise of the powers of a government to impose on parents the legal obligation of giving elementary instruction to children. This, however, cannot fairly be done without taking measures to insure that such instruction shall be always accessible to them, either gratuitously or at a trifling expense." [1]

This is the testimony of economic science. I trust the statesmen of this Congress will not think the subject of education too humble a theme for their most serious consideration. It has engaged the earnest attention of the best men of ancient and modern times, especially of modern statesmen and philanthropists.

I shall fortify the positions that I have taken by quoting the authority of a few men who are justly regarded as teachers of the human race. If I keep in their company, I cannot wander far from the truth. I cannot greatly err while I am guided by their counsel.

In his eloquent essay entitled "The Ready and Easy Way to Establish a Free Commonwealth," John Milton said: "To make the people fittest to choose, and the chosen fittest to govern, will be to mend our corrupt and faulty education, to teach the people faith, not without virtue, temperance, modesty, sobriety, economy, justice; not to admire wealth or honor; to hate turbulence and ambition; to place every one his private welfare and happiness in the public peace, liberty and safety." [2]

England's most venerable living statesman, Lord Brougham, enforced the same truth in these noble words: —

"Lawgivers of England! I charge ye have a care! Be well assured that the contempt lavished for centuries upon the cabals of Constantinople, where the council disputed on a text while the enemy, the derider of all their texts, was thundering at the gate, will be as a token of respect compared with the loud shout of universal scorn which all mankind in all ages will send up against you if you stand still and suffer a far deadlier foe than the Turcoman, — suffer the parent of all evil, all falsehood, all hypocrisy, all discharity, all self-seeking, — him who covers over with

[1] Political Economy, Book V. Chap. XI. Sec. 8 (Boston, 1848).

[2] Prose Works of John Milton, Vol. II. p. 183 (Philadelphia, 1851).

pretexts of conscience the pitfalls that he digs for the souls on which he preys, — to stalk about the fold, and lay waste its inmates, — stand still and make no head against him, upon the vain pretext, to soothe your indolence, that your action is obstructed by religious cabals, — upon the far more guilty speculation that by playing a party game, you can turn the hatred of conflicting professors to your selfish purposes ! " [1]

" Let the soldier be abroad if he will; he can do nothing in this age. There is another personage abroad, a person less imposing, — in the eye of some, insignificant. The schoolmaster is abroad; and I trust to him, armed with his primer, against the soldier in full uniform array." [2]

Lord Brougham gloried in the title of schoolmaster, and contrasted his work with that of the military conqueror in these words: —

" The conqueror stalks onward with ' the pride, pomp, and circumstance of war,' banners flying, shouts rending the air, guns thundering, and martial music pealing, to drown the shrieks of the wounded and the lamentations for the slain. Not thus the schoolmaster in his peaceful vocation. He meditates and prepares in secret the plans which are to bless mankind; he slowly gathers around him those who are to further their execution; he quietly though firmly advances in his humble path, laboring steadily but calmly, till he has opened to the light all the recesses of ignorance, and torn up by the roots the weeds of vice. His is a progress not to be compared with anything like a march; but it leads to a far more brilliant triumph, and to laurels more imperishable than the destroyer of his species, the scourge of the world, ever won." [3]

The learned and brilliant Guizot, who regarded his work in the office of Minister of Public Instruction, in the government of France, the noblest and most valuable work of his life, has left us this valuable testimony: " Universal education is henceforth one of the guaranties of liberty and social stability. As every principle of our government is founded on justice and reason, to diffuse education among the people, to develop their understandings and enlighten their minds, is to strengthen their constitutional government, and secure its stability."

In his Farewell Address, Washington wrote these words of wise counsel: " Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to

[1] Letter on " National Education," to the Duke of Bedford, Sept. 6, 1839.
[2] Speech in the House of Commons, January 29, 1828.
[3] Address at Liverpool Mechanics' Institute, July, 1835.

public opinion, it is essential that public opinion should be enlightened."

The elder Adams said: "The wisdom and generosity of the legislature, in making liberal appropriations in money for the benefit of schools, academies, and colleges, is an equal honor to them and to their constituents, a proof of their veneration for letters and science, and a portent of great and lasting good to North and South America and to the world. Great is truth, — great is liberty, — great is humanity, — and they must and will prevail."

Chancellor Kent used this decided language: "The parent who sends his son into the world uneducated, and without skill in any art or science, does a great injury to mankind as well as to his own family, for he defrauds the community of a useful citizen, and bequeaths to it a nuisance." [1]

I shall conclude the citation of opinions with these stirring words of Edward Everett: —

"I know not to what else we can better liken the strong appetence of the mind for improvement, than to a hunger and thirst after knowledge and truth; nor how we can better describe the province of education, than to say it does that for the intellect which is done for the body, when it receives the care and nourishment which are necessary for its growth and strength. From this comparison, I think I derive new views of the importance of education. It is now a solemn duty, a tender, sacred trust. What, sir! feed a child's body, and let his soul hunger! pamper his limbs, and starve his faculties! Plant the earth, cover a thousand hills with your droves of cattle, pursue the fish to their hiding-places in the sea, and spread out your wheat-fields across the plains, in order to supply the wants of that body which will soon be as cold and senseless as their poorest clod, and let the pure spiritual essence within you, with all its glorious capacities for improvement, languish and pine! What! build factories, turn in rivers upon the water-wheels, unchain the imprisoned spirits of steam, to weave a garment for the body, and let the soul remain unadorned and naked! What! send out your vessels to the farthest ocean, and make battle with the monsters of the deep, in order to obtain the means of lighting up your dwellings and workshops, and prolonging the hours of labor for the meat that perisheth, and permit that vital spark which God has kindled, which he has intrusted to our care, to be fanned into a bright and heavenly flame, — permit it, I say, to languish and go out!" [2]

[1] Commentaries, etc., Lecture XXIX.

[2] Orations and Speeches on various Occasions, Vol. II. pp. 277, 278 (Boston, 1856).

It is remarkable that so many good things have been said, and so few things done, by our national statesmen, in favor of education. If we inquire what has been done by the governments of other countries to support and advance public education, we are compelled to confess with shame that every government in Christendom has given a more intelligent and effective support to schools than has our own.

The free cities of Germany organized the earliest school systems after the separation of Church and State. The present schools of Hamburg have existed more than one thousand years. The earliest school codes were framed in the duchy of Würtemberg in 1565, and in the electorate of Saxony in 1580. Under these codes were established systems of schools more perfect, it is claimed, than the school system of any State of the American Union. Their systems embraced the gymnasium and the university, and were designed, as their laws expressed it, "to carry youth from the elements to the degree of culture demanded for offices in Church and State."

The educational institutions of Prussia are too well known to need a comment. It is a sufficient index of their progress and high character, that a late Prussian school officer said of his official duties: "I promised God that I would look upon every Prussian peasant child as a being who could complain of me before God if I did not provide for him the best education as a man and a Christian which it was possible for me to provide."

France did not think herself dishonored by learning from a nation which she had lately conquered; and when, in 1831, she began to provide more fully for the education of her people, she sent the philosopher Cousin to Holland and Prussia to study and report upon the schools of those states. Guizot was made Minister of Public Instruction, and held the office from 1832 to 1837. In 1833 the report of Cousin was published, and the educational system of France was established on the Prussian model. No portion of his brilliant career reflects more honor upon Guizot than his five years' work for the schools of France. The fruits of his labors were not lost in the revolutions that followed. The present Emperor is giving his best efforts to the perfection and maintenance of schools, and is endeavoring to make the profession of the teacher more honorable and desirable than it has been hitherto.

Through the courtesy of the Secretary of State I have obtained a copy of the last annual report of the Minister of Public

Instruction in France, which exhibits the present state of education in that empire. At the last enumeration there were in France, in the colleges and lyceums, 65,832 pupils; in the secondary schools, 200,000; and in the primary, or common schools, 4,720,234. Besides the large amount raised by local taxation, the imperial government appropriated, during the year 1865, 2,349,051 francs for the support of primary schools. Teaching is one of the regular professions in France; and the government offers prizes, and bestows honors upon the successful instructor of children. During the year 1865, 1,154 prizes were distributed to teachers in primary schools. An order of honor, and a medal worth two hundred and fifty francs, are awarded to the best teacher in each commune. After long and faithful service in his profession, the teacher is retired on half-pay, and, if broken down in health, is pensioned for life. In 1865 there were 4,245 teachers on the pension list of France. The Minister says in his report, "The statesmen of France have determined to show that the country knows how to honor those who serve her, even in obscurity." Since 1862, 10,243 libraries for the use of common schools have been established; and they now contain 1,117,352 volumes, more than a third of which have been furnished by the imperial government. Half a million text-books are furnished for the use of children who are too poor to buy them. It is the policy of France to afford the means of education to every child in the empire.

When we compare the conduct of other governments with our own, we cannot accuse ourselves so much of illiberality as of reckless folly in the application of our liberality to the support of schools. No government has expended so much to so little purpose. To fourteen States alone we have given for the support of schools 83,000 square miles of land, or an amount of territory nearly equal to two such States as Ohio. But how has this bountiful appropriation been applied? This chapter in our history has never been written. No member of this House or the Senate, no executive officer of the government, now knows, and no man ever did know, what disposition has been made of this immense bounty. This bill requires the Commissioner of Education to report to Congress what lands have been given to schools, and how the proceeds have been applied. If we are not willing to follow the example of our fathers in giving, let us, at least, have the evidence of the beneficial results of their liberality.

Mr. Speaker, I have thus hurriedly and imperfectly exhibited the magnitude of the interests involved in the education of American youth; the peculiar condition of affairs which demands at this time an increase of our educational forces; the failure of a majority of the States to establish school systems, the long struggles through which others have passed in achieving success; and the humiliating contrast between the action of our government and those of other nations in reference to education: but I cannot close without referring to the bearing of this measure upon the peculiar work of this Congress.

When the history of the Thirty-ninth Congress is written, it will be recorded that two great ideas inspired it, and made their impress upon all its efforts; namely, to build up free States on the ruins of slavery, and to extend to every inhabitant of the United States the rights and privileges of citizenship. Before the Divine Architect builded order out of chaos, he said, "Let there be light." Shall we commit the fatal mistake of building up free States, without first expelling the darkness in which slavery had shrouded their people? Shall we enlarge the boundaries of citizenship, and make no provision to increase the intelligence of the citizen? I share most fully in the aspirations of this Congress, and give my most cordial support to its policy; but I believe its work will prove a disastrous failure unless it makes the schoolmaster its ally, and aids him in preparing the children of the United States to perfect the work now begun.

The stork is a sacred bird in Holland, and is protected by her laws, because it destroys those animals which would undermine the dikes, and let the sea again overwhelm the rich fields of the Netherlands. Shall this government do nothing to foster and strengthen those educational agencies which alone can shield the coming generations from ignorance and vice, and make it the impregnable bulwark of liberty and law?

I know that this is not a measure which is likely to attract the attention of those whose chief work it is to watch the political movements that affect the results of nominating conventions and elections. The mere politician will see in it nothing valuable, for the millions of children to be benefited by it can give him no votes. But I appeal to those who care more for the future safety and glory of this nation than for any mere temporary advantage, to aid in giving to education the public recognition and active support of the Federal government.

THE JURISDICTION OF MILITARY COMMISSIONS.

ARGUMENT MADE BEFORE THE SUPREME COURT OF THE UNITED STATES IN *EX PARTE* L. P. MILLIGAN, W. A. BOWLES, AND STEPHEN HORSEY.

MARCH 6, 1866.

THE efforts made by the government to suppress the Southern Rebellion early encountered serious opposition in some of the loyal, and even in Northern States. The nature and the extent of this opposition fills large space in the history of the time. Sometimes it went as far as the charges made against the petitioners in the cases argued by Mr. Garfield in this speech; but in a far greater number of instances the opposition fell short of the crimes therein charged. Unpatriotic and disloyal practices became so numerous, were carried to such an extent, so weakened the government, and so disturbed the public peace, that the national authorities felt compelled to deal with their perpetrators. In that day of excitement, stress, and violence, the authorities sometimes proceeded to extremities. Commonly these extremer measures were taken by the military commanders in the several military districts. The slow-going processes of the civil courts, it was held, were insufficient to punish, and so to prevent treason. Hence martial law sometimes took the place of civil law, and military commissions the place of civil courts. The Milligan, Bowles, and Horsey cases originated in an attempt to suppress alleged treason. Their history, to the time when they appeared in the Supreme Court at Washington, is given by Mr. Garfield in the first paragraphs of his speech, and the facts need not be here recited. The question of the guilt or innocence of the petitioners, Milligan, Bowles, and Horsey, was not in issue before the court, but solely the question of the legality of their trial and condemnation by a military commission. More specifically it was this: Shall a writ of *habeas corpus* issue, taking the prisoners out of the custody of the military authorities? The petition of the prisoners was granted. This is the order of the court, as announced by Chief Justice Chase; the decision was given the next term.

"I. That on the facts, as stated in said petition and exhibits, a writ of *habeas corpus* ought to be issued, according to the prayer of said petition.

"II. That on the facts stated in the said petition and exhibits, the said Lambdin P. Milligan ought to be discharged from custody as in said petition is prayed, and according to the act of Congress, passed 3d March, 1863, entitled, 'An Act relating to *Habeas Corpus*, and regulating Judicial Proceedings in certain Cases.'

"III. That, on the facts stated in said petition and exhibits, the military commission mentioned therein had no jurisdiction legally to try and sentence said Lambdin P. Milligan in the manner and form as in said petition and exhibits are stated.

"And it is therefore now here ordered and adjudged by this court, that it be so certified to the said Circuit Court."

This was Mr. Garfield's first appearance in the Supreme Court of the United States. He was associated with Hon. J. E. McDonald, Hon. J. S. Black, and Hon. D. D. Field. The United States was represented by Hon. James Speed, Attorney-General, Hon. B. F. Butler, and Hon. Henry Stanberry.

Mr. Garfield's appearance in these cases subjected him to severe criticism in Ohio, and especially in his own district. His appearance was held, by those thus criticising, inconsistent with his political and public character. The criticism was sharpened by the popular feeling that the prisoners were guilty of the crimes charged. Replying at Warren, Ohio, September 19, 1874, to certain attacks upon his public character, Mr. Garfield thus referred to his connection with these cases: —

"Just about that time there had been in Congress a very considerable discussion concerning the arbitrary conduct of some of our officers in carrying, in civil communities, the military jurisdiction and rule further than they were warranted by the Constitution, and I had taken strong grounds in Congress against the exercise of military power in States not in rebellion. It being generally known that I had resisted what some of the more extreme of our own party thought the military authorities might safely do, I was asked if I would be willing to argue the case of Bowles and Milligan before the Supreme Court. I answered, 'If the case turns on the justice of those men being punished, I will not defend them in any way whatever, for I believe they deserve the severest punishment; but if it turns on the question as to who has the power to try those men, I will. I believe that there is no authority under the Constitution and laws of the United States to take a citizen of Indiana not a soldier and import a military tribunal to his home to try him and punish him.' So important did I regard this principle to the future of this country in that exciting time, that, with my eyes open to the fact that I took a very great political risk in defending, not Bowles and Milligan, but the right of every citizen in a civil community where war is not raging to be tried by the courts of the country and before juries of his own land, and not to be dragged away outside of his own doors to be tried by a

military organization brought from a distance, I made the argument now complained of. I believed that, having put down the Rebellion, having saved civil liberty in this country against cruel invasion, we ought also to save it from our own recklessness.

"I happen to have with me a copy of the argument that I made before the Supreme Court in the year 1866; and I desire to say that I felt, when I made that argument, that I was doing as worthy a thing as I had ever done, and I look back upon it to-night with as much sincere pride and satisfaction as upon any act of my public life. I ought to add, that I have never even seen Bowles or Milligan. I knew that they were poor, and probably could not pay for their defence. I was never promised and never received any compensation for it. I paid the expense of printing my own brief and argument. I never received any compensation for it; I did it in defence of what I believe to be a most vital and important principle, not only to the Republican party, but to the nation; namely, that in no part of our civil community must the military be exalted above the civil authority, and that those men, however unworthy, however guilty, and however disloyal to their country, should not be tried by any but a lawful, civil tribunal. Congress had provided laws for trying every crime that those men were charged with, and for trying it by a civil court. Now, I believe that all over this land one of the great landmarks of civilization and civil liberty is the self-restraining power of the American people, curbing themselves and governing themselves by the limit of the civil law. I remind you of the fact that the Supreme Court unanimously sustained the position I took in that argument. There were some differences as to the reasoning by which the court reached the result; but the ruling of the court was unanimous, that the trial had been unauthorized by law, and that the men must therefore be released. That did not release them, however, from the right of the government to try them in the civil courts for the crimes with which they were charged. A note that was handed to me at the door called upon me to explain how it was that I, a Republican and a Representative, gave my voice and whatever ability I possessed as a lawyer to save Rebel conspirators from punishment. My answer was, 'Hang them if guilty, but hang them according to law; if you hang them otherwise, you commit murder.'"

"Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ." — *Magna Carta*, Cap. XXXIX.

MAY IT PLEASE THE COURT, — In the months of September and October, 1864, Lambdin P. Milligan, William A. Bowles, and Stephen Horsey, natives of the United States

and citizens of the State of Indiana, were arrested by order of Alvin P. Hovey, Major-General commanding the military district of Indiana, and on the 21st of the latter month were placed on trial before a military commission convened at Indianapolis, by order of General Hovey, on the following charges, preferred by Major Henry L. Burnett, Judge Advocate of the Northwestern Military Department, viz.: —

1. "Conspiracy against the government of the United States."
2. "Affording aid and comfort to rebels against the government of the United States."
3. "Inciting insurrection."
4. "Disloyal practices."
5. "Violations of the laws of war."

The Commission, overruling the objection of the accused against its authority to try them, proceeded with the trial, pronounced them guilty, and sentenced them to death by hanging. The sentence was approved on the 2d of May, 1865; but before the day fixed for its execution, the President of the United States commuted it to imprisonment for life, and the prisoners are now confined in the penitentiary of Ohio.

On the 10th of the same month, they filed their petition in the Circuit Court of the United States for the District of Indiana, setting forth the above facts, and also declaring, that, while the petitioners were held in military custody, and more than twenty days after their arrest, a grand jury of the Circuit Court of the United States for the District of Indiana was convened at Indianapolis, the petitioners' place of confinement, and, being duly impanelled, charged, and sworn for said district, held its sittings, and finally adjourned, without having found any bill of indictment, or made any presentment whatever against them; that at no time had they been in the military service of the United States, or in any way connected with the land or naval force, or the militia in actual service; that they had not been within the limits of any State whose citizens were engaged in rebellion against the United States, at any time during the war, but during all the time aforesaid, and for twenty years last past, had been inhabitants, residents, and citizens of Indiana. The petitioners' claim to be discharged from military custody was founded upon the provisions of an act of Congress of March 3, 1863, entitled "An Act relative to *Habeas Corpus*, and regulating Judicial Proceedings in certain Cases."

On hearing the petition, the opinions of the judges of the Circuit Court were opposed, and they have certified to this court for its decision the following questions, viz.: —

1. On the facts stated in the petition and exhibits, ought a writ of *habeas corpus* to be issued, according to the prayer of said petitioners?

2. On the facts stated in the petition and exhibits, ought the petitioners to be discharged from custody, as in said petition prayed?

3. Whether, upon the facts stated in said petition and exhibits, the military Commission mentioned therein had jurisdiction legally to try and sentence said petitioners in manner and form as in said petition and exhibits is stated.

These preliminary proceedings have been so fully stated and examined by the gentleman who opened the cause,[1] that I need not dwell upon them further.

I desire to say, in the outset, that the questions now before this court have relation only to constitutional law, and involve neither the guilt or the innocence of the relators, nor the motives and patriotism of the officers who tried and sentenced them. I trust I need not say in this presence, that in my estimation nothing in the calendar of infamy can be more abhorrent than the crimes with which the relators were charged; nothing that more fully deserves the swift vengeance of the law, and the execration of mankind. But the questions before your Honors are not personal. They reach those deep foundations of law on which the republic is built; and in their proper settlement are involved the highest interests of every citizen.

Had the military Commission jurisdiction legally to try and sentence the petitioners? Upon the determination of this question the whole cause rests. If the Commission had such jurisdiction, the petitioners are legally imprisoned, and should not be discharged from custody; nor should a writ of *habeas corpus* be issued in answer to their prayer. If the military Commission had not jurisdiction, the trial was void, the sentence illegal, and should not be further executed.

As a first step toward reaching an answer to this question, I affirm that every citizen of the United States is under the dominion of law; that, whether he be a civilian, a soldier, or a

[1] Hon. J. E. McDonald.

sailor, the Constitution provides for him a tribunal before which he may be protected if innocent, and punished if guilty of crime. In the fifth article of the Amendments to the Constitution it is declared that—

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

This sweeping provision covers every person under the jurisdiction of the Constitution. To the general rule of presentment or indictment of a grand jury, there are three exceptions: first, cases arising in the land forces; second, cases arising in the naval forces; third, cases arising in the militia when in actual service in time of war or public danger. All these classes are covered by express provisions of the Constitution. In whatever one of these situations an American citizen may be placed, his rights are clearly defined, and a remedy is provided against oppression and injustice. The Constitution establishes the Supreme Court, and empowers Congress to constitute tribunals inferior to that court; "to make rules for the government and regulation of the land and naval forces," and to provide for governing such part of the militia as may be employed in the service of the United States. No other tribunal is authorized or recognized by the Constitution. No other is established by the laws of Congress. For all cases not arising in the land or naval forces, Congress has amply provided in the Judiciary Act of September 24, 1789, and the acts amendatory thereof. For all cases arising in the naval forces, it has fully provided in the act of March 2, 1799, "for the Government of the Navy of the United States," and in similar subsequent acts.

But since the opposing counsel do not claim to find authority for the tribunal before which the petitioners were tried in either of these categories, I shall proceed to examine, somewhat minutely, the limits and boundaries of the military department; the character of its tribunals; the classes of persons who come

within its jurisdiction; and the defences which the law has thrown around them.

We are apt to regard the military department of the government as an organized despotism, in which all personal rights are merged in the will of the commander-in-chief. But that department has definitely marked boundaries, and all its members are not only controlled, but also sacredly protected, by definitely prescribed law. The first law of the Revolutionary Congress touching the organization of the army, passed September 20, 1776, provided that no officer or soldier should be kept in arrest more than eight days without being furnished with the written charges and specifications against him; that he should be tried, at as early a day as possible, by a regular military court, whose proceedings were regulated by law, and that no sentence should be carried into execution until the full record of the trial had been submitted to Congress or to the commander-in-chief, and his or their direction be signified thereon. From year to year Congress has added new safeguards to protect the rights of our soldiers, and the Rules and Articles of War are as really a part of the laws of the land as the Judiciary Act or the act establishing the Treasury Department. If the humblest private soldier in the army be wronged by his commanding officer, he may demand redress by sending the statement of his grievance step by step through the appointed channels, till it reaches the President or Congress, if justice be not done him sooner.

The main boundary line between the civil and military jurisdictions is the muster into service. Before that act the citizen is subject to the jurisdiction of the civil courts; after it, until his muster out, he is subject to the military jurisdiction in all matters of military duty. This line has been carefully surveyed by the courts, and fixed as the lawful boundary. They do not regard a citizen as coming under the jurisdiction of a Federal court-martial, even when he has been ordered into the military service by the Governor of his State, on requisition of the President, until he reaches the place of general rendezvous, and has been actually mustered into the service of the United States. On this point I cite the case of Mills *v.* Martin.[1] In that case, a militiaman, called out by the Governor of the State of New York, and ordered by him to enter the service of the United States, on a requisition of the President for troops, re-

[1] 19 Johnson's N. Y. Reports, 6.

fused to obey the summons, and was tried by a Federal court-martial for disobedience of orders. The Supreme Court of the State of New York decided that, until he had gone to the place of general rendezvous, and had been regularly enrolled, and mustered into the national militia, he was not amenable to the action of a court-martial composed of officers of the United States. The judge, in giving his opinion, quoted the following language of Mr. Justice Washington, of the Supreme Court of the United States, in the case of Houston *v.* Moore: "From this brief summary of the laws, it would seem that *actual service* was considered by Congress as the criterion of national militia; and that the service did not commence until the arrival of the militia at the place of rendezvous. That is the *terminus a quo* the service, the pay, and subjection to the articles of war, are to commence and continue." [1]

By the sixtieth Article of War, the military jurisdiction is so extended as to cover those persons not mustered into the service, but necessarily connected with the army. It provides that "All sutlers and retainers to the camp, and all persons whatsoever serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the Rules and Articles of War." [2]

That the question of jurisdiction might not be doubtful, it was thought necessary to provide by law of Congress that spies should be subject to trial by court-martial. As the law stood for eighty-five years, spies were described as "persons not citizens of, or owning allegiance to, the United States, who shall be found lurking," etc. Not until after the great Rebellion began was this law so amended as to allow the punishment by court-martial of *citizens of the United States* who should be found lurking about the lines of our army to betray it to the enemy; for until then, be it said to the honor of our people, it had never been thought possible that any American citizen would become a spy, to aid the enemies of the Republic; but in 1862 the law was so amended that such a citizen, if found lurking about the lines of the army as a spy, in time of war, should be tried by a court-martial as though he were a spy of a foreign nation.

It is evident, therefore, that by no loose and general construction of the law can citizens be held amenable to military tribu-

[1] 5 Wheaton, 20.

[2] Army Regulations, 1861.

nals, whose jurisdiction extends only to persons mustered into the military service, and such other classes of persons as are, by express provisions of law, made subject to the rules and articles of war.

But even within their proper jurisdiction military courts are, in many important particulars, subordinate to the civil courts. This is acknowledged by the leading authorities on this subject. I read from O'Brien's Military Law. After discussing the general relations between the civil and military departments of the government, he says: —

"From this admitted principle, it would seem a necessary consequence that the Supreme Court of the United States has an inherent power over all military tribunals, of precisely the same nature as that which it asserts and exercises over inferior courts of civil judicature. Any mandatory or prohibitory writ, therefore, emanating from the Supreme Court of the United States, and addressed to a court-martial, would demand the most unhesitating obedience on the part of the latter. Whether, in the absence of a special law to that effect, the same obedience is due to a writ coming from a Circuit or District Court of the Union, and directed to a court-martial assembled in the district or circuit, does not appear to be so clear. A military tribunal would doubtless obey such a writ. As to State courts, the case is very different. Military courts are entirely independent of them. Their powers are derived from a distinct, separate, and independent source. In regard to the courts of the United States, there can be no question. . . . . Each individual member of a court-martial is also liable to the supreme courts of civil judicature, not only for any abuse of power, but for any illegal proceedings of the court, if he has voted for or participated in the same. . . . .

"The authority of courts-martial is sometimes extended by executive governments, subjecting, by proclamation, certain districts or countries to the jurisdiction of martial law during the existence of a rebellion. But in all such cases a court-martial ought to be fully assured that the warrant or order under which they are assembled is strictly legal; and that the prisoners brought before them were actually apprehended in the particular district or country which may have been subjected to martial law, and during the period that the proclamation was actually in force. Any error in these particulars would render their whole proceedings illegal." [1]

In further vindication of my last proposition, I shall cite a few precedents from English and American history.

1. A Lieutenant Frye, serving in the West Indies in 1743 on board the Oxford, a British man-of-war, was ordered by his

[1] Pages 222–226 (Philadelphia, 1846).

superior officer to assist in arresting another officer and bringing him on board the ship as a prisoner. The Lieutenant, doubting the legality of the order, demanded — what he had, according to the customs of the naval service, a right to demand — a written order before he would obey the command. For this he was put under arrest, tried by a naval court-martial, sentenced to fifteen years' imprisonment, and forever debarred from serving the King. He was sent to England to be imprisoned, but was released by order of the Privy Council. In 1746 he brought an action before a civil court against the president of the court-martial, Sir Chaloner Ogle, and damages of £1,000 were awarded him for his illegal detention and sentence; and the learned judge informed him that he might also bring his action against any member of the court-martial. Rear-Admiral Mayne and Captain Rentone, who were members of the court that tried him, were, at the time when damages were awarded to Lieutenant Frye, sitting on a naval court-martial for the trial of Vice-Admiral Lestock. The Lieutenant proceeded against them, and they were arrested upon a writ from the Court of Common Pleas. The order of arrest was served upon them just as the court-martial adjourned, one afternoon. Its members, fifteen in number, immediately reassembled and passed resolutions declaring it a great insult to the dignity of the naval service that any person, however high in civil authority, should order the arrest of a naval officer for any of his official acts. The Lord Chief Justice, Sir John Willes, immediately ordered the arrest of all the members of the court who signed the resolutions, and they were arrested. They appealed to the King, who was very indignant at the arrest. The judge, however, persevered in his determination to maintain the supremacy of the civil law, and after two months' examination and investigation of the cause all the members of the court-martial signed an humble and submissive letter of apology, begging leave to withdraw their resolutions, in order to put an end to further proceedings. When the Lord Chief Justice had heard the letter read in open court, he directed that it be recorded in the Remembrance Office, "as a memorial to the present and future ages, that whoever set themselves up in opposition to the laws, or think themselves above the law, will in the end find themselves mistaken."[1]

[1] See McArthur on Courts-Martial, (London, 1806,) Vol. I. pp. 229–232. See also London Gazette for 1745–46, Library of Congress.

2. I beg leave to cite the case of Wilson *v.* MacKenzie. This court will remember the remarkable mutiny, in 1842, on board the brig Somers, in which a son of the then Secretary of the Treasury of the United States was tried by court-martial for mutiny, and executed at the yard-arm. It was proved that a mutiny of very threatening aspect had broken out, and that the lives of the captain and his officers were threatened by the mutineers. Among the persons arrested was the plaintiff, Wilson, an enlisted sailor, who, being supposed to be in the conspiracy, was knocked down by the captain, ironed, and held in confinement for a number of days. When the cruise was ended, Wilson brought suit against the captain for illegal arrest and imprisonment. The cause was tried before the Supreme Court of New York, and his Honor, Chief Justice Nelson, delivered the opinion of the court. He says: —

"The material question presented in this case is, whether the common law courts have any jurisdiction of personal wrongs committed by a superior officer of the navy upon a subordinate, while at sea, and engaged in the public service. . . . . Actions of trespass for injuries to the person have been frequently brought and sustained in the common law courts of England, against naval as well as military commanders, by their subordinates, for acts done both at home and abroad, under pretence and color of naval and military discipline. (See Wall *v.* McNamara, and Swinton *v.* Molloy, stated in 1 T. R. 536, 537; also, Mostyn *v.* Fabrigas, Cowp. 161; Warden *v.* Bailey, 4 Taunt. 67; 4 Maule & Selw. 400, S. C.) . . . . There are are also many cases in the books where actions have been sustained against members of courts-martial, naval and military, who have exceeded their authority in the infliction of punishment. (See 4 Taunt. 70–75, and the cases there cited.) . . . . It was suggested on the argument, by the counsel for the defendant, that, inasmuch as he [Wilson] was in the service of the United States when the acts complained of were done, the courts of this State, as matter of comity and policy, should decline to take jurisdiction. . . . . I am of opinion that the demurrer [to the suggestion] is well taken, and that the plaintiff [Wilson] is entitled to judgment. Ordered accordingly."[1]

3. As a clear and exhaustive statement of the relation between civil and military courts, I quote from an opinion of this court in the case of Dynes *v.* Hoover[2]: —

"With the sentences of courts-martial which have been convened regularly, and have proceeded legally, and by which punishments are directed, not forbidden by law, or which are according to the laws and

[1] 7 Hill's N. Y. Supreme Court Reports, 97–100. [2] 20 Howard, 82, 83.

customs of the sea, civil courts have nothing to do, nor are they in any way alterable by them. If it were otherwise, the civil courts would virtually administer the Rules and Articles of War, irrespective of those to whom that duty and obligation has been confided by the laws of the United States, from whose decisions no appeal or jurisdiction of any kind has been given to the civil magistrate or civil courts. But we repeat, if a court-martial has *no jurisdiction over the subject-matter of the charge* it has been convened to try, or shall inflict a punishment *forbidden by the law*, though its sentence shall be approved by the officers having a revisory power of it, *civil courts* may, on an action by a party aggrieved by it, inquire into the want of the court's jurisdiction, and give him redress. (Harman *v.* Tappenden, 1 East, 555; as to ministerial officers, Marshall's Case, 10 Cr. 76; Moravia *v.* Sloper, Willes, 30; Parton *v.* Williams, 3 B. & A. 330; and as to justices of the peace, by Lord Tenterden, in Basten *v.* Carew, 3 B. & C. 653; Mills *v.* Collett, 6 Bing. 85.)

"Such is the law of England. By the Mutiny Acts, courts-martial have been created with authority to try those who are a part of the army or navy for breaches of military or naval duty. It has been repeatedly determined that the sentences of those courts are conclusive in any action brought in the courts of common law. But the courts of common law will examine whether courts-martial have exceeded the jurisdiction given them, though it is said, 'not, however, after the sentence has been ratified and carried into execution.' (Grant *v.* Gould, 2 H. Black. 69; Ship Bounty, 1 East, 313; Shalford's case, 1 East, 313; Mann *v.* Owen, 9 B. & C. 595; In the Matter of Poe, 5 B. & A. 681, on a motion for a prohibition.)"

I hold it therefore established, that the Supreme Court of the United States may inquire into the question of jurisdiction of a military court; may take cognizance of extraordinary punishment inflicted by such a court not warranted by law, and may issue writs of prohibition, or give such other redress as the case may require. It is also clear that the Constitution and laws of the United States have carefully provided for the protection of individual liberty, and the right of accused persons to a speedy trial before a tribunal established and regulated by law.

The petitioners must, as I have already shown, be placed in one of four categories. First, they were either in the naval service; or, second, in the military service; or, third, belonged to the militia, and were called out to serve by order of the President in the national militia; or, fourth, if neither of these three, nor so connected with them as to be placed by law under the

naval or military jurisdiction, then they were simply civilians, and subject exclusively to the jurisdiction of the civil courts. It is set forth in the petition, and not denied by the opposing counsel, that they were in neither of the first three classes, nor connected with them. They must, therefore, belong to the fourth class, — unless a fifth should be added, as the learned counsel on the other side have suggested, and it be held that they were prisoners of war; but of that I shall speak hereafter. Under such circumstances, it is not surprising that the learned counsel should go beyond the Constitution, beyond the civil, the naval, and even the military law, to find a basis on which they may rest the jurisdiction of the tribunal before which the petitioners were tried. They tell us frankly that they do not find its justification either in the civil or military laws of the land.

The Honorable Attorney-General and his distinguished colleague[1] declare in their printed brief, that, —

I. "A military commission derives its powers and authority wholly from martial law; and by that law and by military authority only are its proceedings to be judged or reviewed."

II. "Martial law is the will of the commanding officer of an armed force, or of a geographical military department, expressed in time of war, within the limits of his military jurisdiction, as necessity demands and prudence dictates, restrained or enlarged by the orders of his military chief or supreme executive ruler," and "the officer executing martial law is at the same time supreme legislator, supreme judge, and supreme executive."

To give any color of plausibility to these novel propositions, they were compelled not only to ignore the Constitution, but to declare it suspended, its voice drowned in the thunders of war. Accordingly, with consistent boldness, they declare that the third, fourth, and fifth articles of Amendments "are all peace provisions of the Constitution, and, like all other conventional and legislative laws and enactments, are silent *inter arma*, when *salus populi suprema est lex*." Applying these doctrines to this cause, they hold that from the 5th of October, 1864, to the 9th of May, 1865, martial law alone existed in Indiana; that it silenced not only the civil courts, but all the laws of the land, and even the Constitution itself; and during that silence the executor of martial law could lay his hand upon every citizen,

[1] Hon. B. F. Butler.

could not only suspend the writ of *habeas corpus*, but could create a court which should have the exclusive jurisdiction over the citizen to try him, sentence him, and put him to death.

We have already seen that the Congress of the United States raises and supports armies, provides and maintains navies, and makes the rules and regulations for the government of both; but it would appear from the teachings of the learned counsel on the other side, that when Congress has done all these things, — when, in the name of the republic, and in order to put down rebellion and restore the supremacy of law, it has created the grandest army that ever fought, — the power thus created rises above its source and destroys both the law and its creator. They would have us believe that the government of the United States has evoked a spirit which it cannot lay, — has called into being a power which at once destroyed and superseded its author, and rode, in uncontrolled triumph, over citizen and court, Congress and Constitution. All this mockery is uttered before this august court, whose every member is sworn to administer the law in accordance with the Constitution. This monstrous assumption I shall now proceed to examine.

And now what is martial law? It is a new term to American jurisprudence; and I congratulate this court that never before in the long history of this republic has that word rung out its lawless echoes in this sacred chamber.

MR. BUTLER. Did not the decision in the case of Luther *v.* Borden have something to do with martial law?

It was not the subject decided by the court, and only remotely analogous to this case. The claim to exercise martial law in that case was under the old charter of Charles II. in Rhode Island, and not under the Constitution.

1. Sir Matthew Hale, in his History of the Common Law, says: —

"Touching the business of martial law, these things are to be observed, viz.: —

"First. That in truth and reality it is not a law, but something indulged rather than allowed as a law. The necessity of government, order, and discipline in an army is that only which can give those laws a countenance; — *quod enim necessitas cogit defendi.*

"Secondly. This indulged law was only to extend to members of the army, or to those of the opposite army, and never was so much indulged as intended to be executed or exercised upon others. For others who

were not listed under the army had no color or reason to be bound by military constitutions applicable only to the army, whereof they were not parts. But they were to be ordered and governed according to the laws to which they were subject, though it were a time of war.

"Thirdly. That the exercise of martial law, whereby any person should lose his life, or member, or liberty, may not be permitted in time of peace, when the King's courts are open for all persons to receive justice according to the laws of the land. This is in substance declared in the Petition of Right, 3 Car. 1, whereby such commissions and martial law were repealed and declared to be contrary to law." [1]

2. Blackstone quotes the above approvingly, and still further enforces the same doctrine.[2]

3. Wharton, in his Law Lexicon, says: "Martial law is that rule of action which is imposed by the military power. It has no place in the institutions of this country [Great Britain], unless the articles of war established under the military acts be considered as of that character. The prerogative of proclaiming martial law within this kingdom is destroyed, as it would appear, by the Petition of Right." [3]

4. Lord Wellington defined martial law as "the will of the commanding general exercised over a conquered or occupied territory." This definition was given by him in his despatches from the Peninsula, and was subsequently repeated in Parliament, in 1851. In the same debate, Lords Cottenham and Campbell, and the Attorney-General, Sir J. Jervis, declared that "martial law was the setting aside of all law, and acting under military *power*, in circumstances of great emergency, — a proceeding which requires to be followed up by an act of indemnity."

This is the kind of law to which the gentlemen appeal to establish the validity of the court that tried the petitioners.

In order to trace the history and exhibit the character of martial law, I shall refer to several leading precedents in English history.

1. The Earl of Lancaster. In the year 1322, the Earl of Lancaster and the Earl of Hereford rebelled against the authority of Edward II. They collected an army so large that Edward was compelled to raise thirty thousand men to withstand them. The rebellious Earls posted their forces on the Trent, and the

[1] London edition of 1794, Vol. I. pp. 54, 55. [2] Book I. pp. 413, 414.
[3] Third edition, p. 578.

armies of the King confronted them. They fought at Boroughbridge; the insurgent forces were overthrown; Hereford was slain, and Lancaster, taken in arms at the head of his army, was, amid the noise of battle, tried by a court-martial, sentenced to death, and executed. When Edward III. came into power, five years later, on a formal petition presented to Parliament by Lancaster's son, setting forth the facts, the case was examined and a law was enacted reversing the attainder, and declaring: "1. That in time of peace no man ought to be adjudged to death for treason, or any other offence, without being arraigned and put to answer. 2. That regularly, *when the King's courts are open, it is a time of peace in judgment of* law. 3. That no man ought to be sentenced to death, by the record of the King, without his legal trial *per pares*."[1]

I call attention to this case as being similar in some of the points to the cause before us. This man was taken in arms at the head of his army, and in battle. He was immediately tried by court-martial and executed; but it was declared, in the decree that reversed the attainder, that he might have been tried by the courts of the land, and *therefore*, for the purposes of his trial, *it was a time of peace;* that he might have been presented, indicted, and regularly tried before the civil tribunal, and *therefore* the whole proceeding was illegal. So carefully was the line drawn between civil and martial law five hundred years ago.

2. Sir Thomas Darnell. He was arrested and imprisoned in 1625, by order of the King, for refusing to pay a tax which he regarded as illegal. A writ of *habeas corpus* was prayed for, but answer was returned by the court that he had been arrested by special order of the King, and that was held to be a sufficient answer to the petition. Then the great cause came up to be tried in Parliament, whether the order of the King was sufficient to override the writ of *habeas corpus*, and after a long and stormy debate, in which the ablest minds in England were engaged, the Petition of Right, of 1628, received the sanction of the King. In that statute it was decreed that the King should never again suspend the writ of *habeas corpus;* that he should never again try a subject by military commission; and since that day, no king of England has presumed to usurp that high prerogative which belongs to Parliament alone.

[1] The History of the Pleas of the Crown, by Sir Matthew Hale, (Dublin, 1778,) Vol. I. p. 347; Hume's History of England, (Boston, 1854,) Vol. II. p. 159.

3. For the purpose of citing a passage in the argument of Counsellor Prynn, I call attention to the trial of Lord Macguire, before the Court of King's Bench, in 1645.[1] Lord Macguire was the leader of the great Irish rebellion of 1641, during the progress of which more than one hundred thousand men, women, and children were murdered, under circumstances of the greatest brutality. He was arrested and held until order had been restored; and in 1645 was brought before the King's Bench for trial. Mr. Prynn, counsel for the Crown, published his argument in the case, in order, as he says, to vindicate the laws of England —

"In trying this notorious offender, guilty of the horridest, universalest treason and rebellion that ever brake forth in Ireland; and that in a time of open war both in Ireland and England, only by a legal indictment, and indifferent sworn jury of honest and lawful freeholders, according to the known laws and statutes of the realm; not in a court-martial, or any other new-minted judicature, by an arbitrary, summary, illegal, or martial proceeding, without any lawful presentment, indictment, or trial by a sworn, impartial, able jury, resolved to be diametrically contrary to the fundamental laws, customs, great charters, statutes of the realm, and inherent liberty of the subject, especially in time of peace when all other courts of justice are open, and of very dangerous consequence, and thereupon especially prohibited, and enacted against."

After giving a long list of references to authorities, he goes on to say that the law is vindicated still more —

"In allowing him a free, honorable trial upon an indictment first found upon oath by the grand jury, and then suffering him to take not only his particular challenges by the poll to every of the jurors returned, upon a *voyre dire* (not formerly heard of, yet allowed him, as reasonable, to take away all color of partiality or non-indifference in the jurors), whereupon every juryman was examined before he was sworn of the jury, whether he had contributed or advanced any moneys upon the propositions for Ireland, or was to have any share in the rebels' lands in Ireland, by act of Parliament, or otherwise. But likewise in permitting him to take his peremptory challenge to thirty-five of the two juries returned, without any particular cause alleged; which liberty — our laws allowing men, *in favorem vitæ*, and because there may be private causes of just exceptions to them known to the prisoner, not fit to be revealed, or for which he wants present proof, and that in cases of high treason, as well as of felony — the court thought just and equal to allow the same to him, though a notorious Irish rebel."[2]

[1] 4 State Trials, (London, 1809,) pp. 653 *et seq.* [2] Ibid., pp. 691–693.

4. The Bill of Rights of 1688. The house of Stuart had been expelled, and William had succeeded to the British throne. Great disturbances had arisen in the realm in consequence of the change of dynasty. Plots were formed in favor of James in all parts of England. The King's person was unsafe in London. He informed the Lords and Commons of the great dangers that threatened the kingdom, and reminded them that he had no right to declare martial law, to suspend the writ of *habeas corpus*, or to seize and imprison his subjects on suspicion of treason or intended outbreak against the peace of the realm. He laid the case before them, and asked their advice and assistance. In answer Parliament passed the celebrated Habeas Corpus Act. Since that day, no king of England has dared to suspend the writ. It is only done by Parliament.

5. Governor Wall. In the year 1782, Joseph Wall, Governor of the British colony at Goree, in Africa, had under his command about five hundred British soldiers. Suspecting that a mutiny was about to break out in the garrison, he assembled them on the parade-ground, held a hasty consultation with his officers, and immediately ordered Benjamin Armstrong, a private and supposed ringleader, to be seized, stripped, tied to the wheel of an artillery carriage, and to receive eight hundred lashes with a rope one inch in diameter. The order was carried into execution, and Armstrong died of his injuries. Twenty years afterward Governor Wall was brought before the most august civil tribunal of England to answer for the murder of Armstrong. Sir Archibald McDonald, Lord Chief Baron of the Court of Exchequer, Sir Soulden Lawrence, of the King's Bench, and Sir Giles Rooke, of the Common Pleas, constituted the court. Wall's counsel claimed that he had the power of life and death in his hands in time of mutiny; that the necessity of the case warranted him in suspending the usual forms of law; that as governor and military commander-in-chief of the forces at Goree, he was the sole judge of the necessities of the case. After a patient hearing before that high court, he was found guilty of murder, was sentenced, and executed.[1]

I now ask your attention to analogous precedents in our own history.

1. On the 12th of June, 1775, General Gage, the commander of the British forces, declared martial law in Boston. The

[1] 28 State Trials, p. 51; see also Hough's Military Law, pp. 537–540.

battles of Concord and Lexington had been fought two months before. The Colonial army was besieging the city and its British garrison. It was but five days before the battle of Bunker Hill. Parliament had, in the previous February, declared the Colonies in a state of rebellion. Yet, by the common consent of English jurists, General Gage violated the laws of England, and laid himself liable to its penalty, when he declared martial law. This position is sustained, in the opinion of Mr. Justice Woodbury, in Luther *v.* Borden *et al.*[1]

2. On the 7th of November, 1775, Lord Dunmore declared martial law throughout the Commonwealth of Virginia. This was long after the battle of Bunker Hill, and when war was flaming throughout the Colonies; yet he was denounced by the Virginia Assembly for having assumed a power which the King himself dared not exercise, as it "annuls the law of the land, and introduces the most execrable of all systems, martial law." Mr. Justice Woodbury declares[2] the act of Lord Dunmore unwarranted by British law.

3. The practice of our Revolutionary fathers on this subject is most instructive. Their conduct throughout the great struggle for independence was equally marked by respect for civil law and jealousy of martial law. Indeed, it was one of the leading grievances set forth in the Declaration of Independence, that the King of Great Britain had "affected to render the military independent of, and superior to, the civil power"; and though Washington was clothed with almost dictatorial powers, he did not presume to override the civil law, or disregard the orders of the courts, except by express authority of Congress or the States. In his file of general orders, covering a period of five years, there are but four instances in which civilians appear to have been tried by a military court, and all these trials were expressly authorized by resolutions of Congress.

In the autumn of 1777, the gloomiest period of the war, a powerful hostile army landed on the shore of Chesapeake Bay, for the purpose of invading Maryland and Pennsylvania. It was feared that the disloyal inhabitants along his line of march would give such aid and information to the British commander as to imperil the safety of our cause. Congress resolved "that

[1] 7 Howard, 48. For a history of the transaction, see Annual Register for 1775, p. 133.

[2] 7 Howard, 65.

the executive authorities of Pennsylvania and Maryland be requested to cause all persons within their respective States, notoriously disaffected, to be forthwith apprehended, disarmed, and secured till such time as the respective States think they can be released without injury to the common cause." The Governor of Pennsylvania authorized the arrests, and many disloyal citizens were taken into custody by Washington's officers, who refused to answer the writ of *habeas corpus* which a civil court issued for the release of the prisoners. Very soon afterwards the Pennsylvania legislature passed a law indemnifying the Governor and the military authorities, and allowing a similar course to be pursued thereafter, *on recommendation of Congress or the commanding officer of the army.* But this law gave authority only to arrest and hold, — not to try; and the act was to remain in force only till the end of the next session of the General Assembly. So careful were our fathers to recognize the supremacy of civil law, and to resist all pretensions of martial law to authority.

4. I pass next to notice an event that occurred under the Confederation, before the Constitution was adopted. I refer to Shays's Rebellion, in 1787, — that rebellion which was mentioned by Hamilton in the Federalist as a proof that we needed a strong central government to preserve our liberties. During all that disturbance there was no declaration of martial law, and the *habeas corpus* was only suspended for a limited time and with very careful restrictions. Governor Bowdoin's order to General Lincoln, on the 19th of January, 1787, was in these words: "Consider yourself in all your military offensive operations constantly as under the direction of the civil officer, save where any armed force shall appear to oppose your marching to execute these orders."

5. I refer next to a case under the Constitution, the rebellion of 1793 in Western Pennsylvania. President Washington did not march with his troops until the judge of the United States District Court had certified that the Marshal was unable to execute his warrants. Though the parties were tried for treason, all the arrests were made by the authority of the civil officers. The orders of the Secretary of War stated that "the object of the expedition was to assist the Marshal of the District to make prisoners." Every movement was made under the direction of the civil authorities. So anxious was Washington on this sub-

ject, that he gave his orders with the greatest care, and went in person to see that they were carefully executed. He issued orders declaring that "the army should not consider themselves as judges or executioners of the laws, but only as employed to support the proper authorities in the execution of the laws."

6. I next refer to an incident connected with the Burr conspiracy, in 1807. The first developments of this plot were exceedingly alarming. Reports were forwarded to President Jefferson, and by him communicated confidentially to the Senate of the United States, with his recommendation that Congress pass a law authorizing the suspension, for a limited period, of the writ of *habeas corpus*. On the 26th of January, the Senate, by a unanimous vote, passed a bill authorizing the suspension of the writ for three months, in cases of persons who were charged *under oath* with treason or misprision of treason. Thus carefully limited and restricted, the bill was sent, under the seal of secrecy, to the House of Representatives. When it was read, the doors were immediately opened; a motion was made to reject the bill, that it might not even reach its first reading; and, after a very able debate of five days, it was rejected by a vote of one hundred and thirteen to nineteen.

Not content, even, with that decided expression of sentiment, two weeks later, on the 17th of February, a resolution was introduced into the House ordering the Committee on the Judiciary "to bring in a bill more thoroughly to protect the rights of American citizens from arrest and imprisonment under color of authority of the President of the United States." After a very searching and able debate, it was concluded that existing laws afforded ample protection; but so anxious were the representatives of the people to place the safety of the citizen beyond the reach of doubt, that the resolution came within two votes of passing in the House. The vote stood 58 yeas to 60 nays; and that, too, in the very midst of the threatened conspiracy.[1]

I will remark in this connection, that, though President Jefferson recommended the passage of the act referred to, yet in his correspondence he had previously expressed the opinion that it was unwise, even in insurrection, to suspend the writ of *habeas corpus*.[2]

[1] The full history of this legislative action will be found in Benton's Abridgment of Congressional Debates, Vol. III. pp. 504–542.

[2] Works, Vol. II. pp. 329, 355.

So jealous were our people of any infringement of the rights of the citizen to the privileges of the writ, that in the very midst of the dangers at New Orleans General Wilkinson was brought before a court there for having neglected promptly to obey a writ of *habeas corpus*.

7. I call the attention of the court for a moment to the discussion in Congress in relation to the action of General Jackson, in 1814, at New Orleans. It will be remembered that, notwithstanding flagrant war was blazing around New Orleans when the General declared martial law, yet it was held that he had violated the sanctity of the courts, and he was fined accordingly.[1] In 1842 a bill was introduced into Congress to reimburse him for the fine. The debate was very able and thorough. James Buchanan, then a member of Congress, spoke in its favor, and no one will doubt his willingness to put the conduct of Jackson on the most favorable ground possible. I quote from his speech: —

"It had never been contended on this floor that a military commander possessed the power, under the Constitution of the United States, to declare martial law. No such principle had ever been asserted on this (the Democratic) side of the House. He had then expressly declared (and the published report of the debate, which he had recently examined, would justify him in this assertion) that we did not contend, strictly speaking, that General Jackson had any constitutional right to declare martial law at New Orleans; but that, as this exercise of power was the only means of saving the city from capture by the enemy, he stood amply justified before his country for the act. We placed the argument not upon the ground of strict constitutional right, but of such an overruling necessity as left General Jackson no alternative between the establishment of martial law and the sacrifice of New Orleans to the rapine and lust of the British soldiery. On this ground Mr. B. had planted himself firmly at the last session of Congress; and here he intended to remain."[2]

All the leading members took the same ground. It was not attempted to justify, but only to palliate and excuse the conduct of Jackson.

8. I call attention next to the opinions of our courts in regard to martial law and the suspension of the writ of *habeas corpus*, and first read from the opinion of Chief Justice Mar-

[1] For a full record of the law in the case, see 3 Martin's Lou. Rep., O. S., 530.
[2] Benton's Abridgment of the Debates of Congress, Vol. XIV. p. 628.

shall in *Ex parte* Bollman: "If at any time the public safety should require the suspension of the powers vested . . . . in the courts of the United States, *it is for the legislature to say so.* That question depends on political considerations, on which *the legislature is to decide.* Until the legislative will be expressed, the court can only see its duty, and must obey the laws." [1]

I also cite the opinion of the late Chief Justice in *Ex parte* Merryman,[2] in which it was decided that the legislative authority alone could suspend the writ of *habeas corpus.* This decision was rendered in 1862, in the Maryland Circuit.

I shall conclude these citations from our own judicial history by reading a few paragraphs from the opinion of Mr. Justice Woodbury in Luther *v.* Borden *et al.*[3] The passage loses none of its force from the fact that it is part of a dissenting opinion; for the principles involved in it were not strictly in issue, nor were they denied by the court. After stating his positions at length, the learned justice says: —

"For convincing reasons like these, in every country which makes any claim to political or civil liberty, 'martial law,' as here attempted, and as once practised in England against her own people, has been expressly forbidden there for near two centuries, as well as by the principles of every other free constitutional government. (1 Hallam's Const. Hist. 420.) And it would be not a little extraordinary if the spirit of our institutions, both State and national, was not much stronger than in England against the unlimited exercise of martial law over a whole people, whether attempted by any chief magistrate or even by a legislature. . . . .

"My impression is that a state of war, whether foreign or domestic, may exist, in the great perils of which it is competent, under its rights and on principles of national law, for a commanding officer of troops under the controlling government to extend certain rights of war, not only over his camp, but its environs and the near field of his military operations. (6 American Archives, 186.) But no further nor wider. (Johnson *v.* Davis *et al.*, 3 Martin, 530, 551.) On this rested the justification of one of the great commanders of this country and of the age, in a transaction so well known at New Orleans. But in civil strife they are not to extend beyond the place where insurrection exists. (3 Martin, 551.) Nor to portions of the State remote from the scene of military operations, nor after the resistance is over, nor to persons not connected with it. (Grant *v.* Gould *et al.*, 2 H. Black. 69.) Nor even within the scene can they extend to the person or property of citizens

[1] 4 Cranch, 101. [2] 9 American Law Register, 524. [3] 7 Howard, 1.

against whom no probable cause exists which may justify it. (Sutton *v.* Johnston, 1 D. & E. 549.)" [1]

I cannot leave this branch of my argument without fortifying my position by the authority of two of the greatest names on the roll of British jurists. To enable me to do this, I call attention to the celebrated trial of the Rev. John Smith, missionary at Demerara in British Guiana. In the year 1823 a rebellion broke out in Demerara, extending over some fifty plantations. The governor of the district immediately declared martial law. A number of the insurgents were killed, and the rebellion was crushed. It was alleged that the Rev. John Smith, a missionary sent out by the London Missionary Society, had been an aider and abettor of the rebellion. A court-martial was appointed, and, in order to give it the semblance of civil law, the Governor-General appointed the chief justice of the district as a staff officer, and then detailed him as president of the court to try the accused. All the other members of the court were military men, and he was made a military officer for the special occasion. Missionary Smith was tried, found guilty, and sentenced to be hung. The proceedings came to the notice of Parliament, and were made the subject of inquiry and debate. Smith died in prison before the day of execution, but the trial gave rise to one of the ablest debates of the century, in which the principles involved in the cause now before this court were fully discussed. Lord Brougham and Sir James Mackintosh were among the speakers. In the course of his speech, Lord Brougham said: —

"No such thing as martial law is recognized in Great Britain, and courts founded on proclamations of martial law are wholly unknown. . . . . Suppose I were ready to admit that, on the pressure of a great emergency, such as invasion or rebellion, when there is no time for the slow and cumbrous proceedings of the civil law, a proclamation may justifiably be issued for excluding the ordinary tribunals, and directing that offences should be tried by a military court, — such a proceeding might be justified by necessity; but it could rest on that alone. Created by necessity, necessity must limit its continuance. It would be the worst of all conceivable grievances, — it would be a calamity unspeakable, — if the whole law and constitution of England were suspended one hour longer than the most imperious necessity demanded. . . . . I know that the proclamation of martial law renders every man liable to be treated

[1] 7 Howard, 62, 83, 84.

as a soldier. *But the instant the necessity ceases, that instant the state of soldiership ought to cease, and the rights, with the relations, of civil life to be restored.*" [1]

The speech of Sir James Mackintosh, who was perhaps the very first English jurist of his day, is in itself a magazine of legal learning, and treats so fully and exhaustively the subject of martial law and military tribunals that I shall take the liberty of quoting several passages. I do this with less hesitation because I have found no argument so full and complete, and no authority more perfectly applicable to the cause before this court.

"On the legality of the trial, sir, the impregnable speech of my learned friend [2] has left me little if anything to say. The only principle on which the law of England tolerates what is called 'martial law' is necessity; its introduction can be justified only by necessity; its continuance requires precisely the same justification of necessity; and if it survives the necessity, in which alone it rests, for a single minute, it becomes instantly a mere exercise of lawless violence. When foreign invasion or civil war renders it impossible for courts of law to sit, or to enforce the execution of their judgments, it becomes necessary to find some rude substitute for them, and to employ for that purpose the military, which is the only remaining force in the community."

I desire to call particular attention to the sentences which lay down the chief condition that can justify martial law, and also mark the boundary between martial and civil law.

"While the laws are silenced *by the noise of arms*, the rulers of the armed force must punish, as equitably as they can, those crimes which threaten their own safety and that of society, but no longer; — every moment beyond is usurpation. *As soon as the laws can act, every other mode of punishing supposed crimes is itself an enormous crime.* If argument be not enough on this subject, — if, indeed, the mere statement be not the evidence of its own truth, — I appeal to the highest and most venerable authority known to our law."

He proceeds to quote Sir Matthew Hale on martial law, and cites the case of the Earl of Lancaster, to which I have already referred, and then declares: —

"No other doctrine has ever been maintained in this country since the solemn Parliamentary condemnation of the usurpations of Charles I., which he was himself compelled to sanction in the Petition of Right. In none of the revolutions or rebellions which have since occurred has

[1] Speeches of Henry, Lord Brougham, (Edinburgh, 1838,) Vol. II. pp. 70, 71.
[2] Lord Brougham.

martial law been exercised, however much, in some of them, the necessity might seem to exist. Even in those most deplorable of all commotions which tore Ireland in pieces in the last years of the eighteenth century, — in the midst of ferocious revolt and cruel punishment, — at the very moment of legalizing these martial jurisdictions in 1799, the very Irish statute which was passed for that purpose did homage to the ancient and fundamental principles of the law in the very act of departing from them. The Irish statute, 39 George III., chap. 3, after reciting 'that martial law had been successfully exercised to the restoration of peace, so far as to permit the course of the common law partially to take place, but that the rebellion continued to rage in considerable parts of the kingdom, whereby it has become necessary for Parliament to interpose,' goes on to enable the Lord Lieutenant 'to punish rebels by courts-martial.' This statute is the most positive declaration that, *where the common law can be exercised in some parts of the country, martial law cannot be established in others, though rebellion actually prevails in those others, without an extraordinary interposition of the supreme legislative authority itself.* . . .

"I have already quoted from Sir Matthew Hale his position respecting the twofold operation of martial law; — as it affects the army of the power which exercises it, and as it acts against the army of the enemy. That great judge, happily unused to standing armies, and reasonably prejudiced against military jurisdiction, does not pursue his distinction through all its consequences, and assigns a ground for the whole which will support only one of its parts. 'The necessity of order and discipline in an army' is, according to him, the reason why the law tolerates this departure from its most valuable rules; but this necessity only justifies the exercise of martial law over the army of our own state. One part of it has since been annually taken out of the common law and provided for by the Mutiny Act, which subjects the military offences of soldiers only to punishment by military courts even in time of peace. Hence we may now be said annually to legalize military law; which, however, differs essentially from martial law, in being confined to offences against military discipline, and in not extending to any persons but those who are members of the army. Martial law exercised against enemies or rebels cannot depend on the same principle, for it is certainly not intended to enforce or preserve discipline among them. It seems to me to be only a more regular and convenient mode of exercising the right to kill in war, — a right originating in self-defence, and limited to those cases where such killing is necessary as the means of insuring that end. Martial law put in force against rebels can only be excused as a mode of more deliberately and equitably selecting the persons from whom quarter ought to be withheld in a case where all have forfeited their claim to it. It is nothing more than a sort of better regulated decimation, founded

upon choice, instead of chance, in order to provide for the safety of the conquerors, without the horrors of undistinguished slaughter; it is justifiable only where it is an act of mercy. Thus the matter stands by the law of nations. But by the law of England it cannot be exercised except where the jurisdiction of courts of justice is interrupted by violence. Did this necessity exist at Demerara, on the 13th of October, 1823? Was it on that day impossible for the courts of law to try offences? It is clear that, if the case be tried by the law of England, and unless an affirmative answer can be given to these questions of fact, the court-martial had no legal power to try Mr. Smith."

After presenting arguments to show that a declaration of martial law was not necessary, the learned jurist continues: —

"For six weeks, then, before the court-martial was assembled, and for twelve weeks before that court pronounced sentence of death on Mr. Smith, all hostility had ceased, no necessity for their existence can be pretended, and every act which they did was an open and deliberate defiance of the law of England.

Where, then, are we to look for any color of law in these proceedings? Do they derive it from the Dutch law? I have diligently examined the Roman law, which is the foundation of that system, and the writings of those most eminent jurists who have contributed so much to the reputation of Holland. I can find in them no trace of any such principle as martial law. Military law, indeed, is clearly defined; and provision is made for the punishment by military judges of the purely military offences of soldiers. But to any power of extending military jurisdiction over those who are not soldiers, there is not an allusion. I will not furnish a subject for the pleasantries of my right honorable friend, or tempt him into a repetition of his former innumerable blunders, by naming the greatest of these jurists [1]; lest his date, his occupation, and his rank might be again mistaken, and the venerable President of the Supreme Court of Holland might be once more called a 'clerk of the States General.' 'Persecutio militis,' says that learned person, 'pertinet ad judicem militarem quando delictum sit militare, et ad judicem communem quando delictum sit commune.' Far from supposing it to be possible that those who were not soldiers could ever be triable by military courts for crimes not military, he expressly declares the law and practice of the United Provinces to be, that even soldiers are amenable, for ordinary offences against society, to the court of Holland and Friesland, of which he was long the chief. The law of Holland, therefore, does not justify this trial by martial law.

"Nothing remains but some law of the colony itself. Where is it?

[1] Bynkershoek, of whose professional rank Mr. Canning had professed ignorance.

It is not alleged or alluded to in any part of this trial. We have heard nothing of it this evening. So unwilling was I to believe that this court-martial would dare to act without some pretence of legal authority, that I suspected an authority for martial law would be dug out of some dark corner of a Guiana ordinance. I knew it was neither in the law of England nor in that of Holland; and I now believe that it does not exist even in the law of Demerara. The silence of those who are interested in producing it is not my only reason for this belief. I happen to have seen the instructions of the States General to their Governor of Demerara, in November, 1792, probably the last ever issued to such an officer by that illustrious and memorable assembly. They speak at large of councils of war, both for consultation and for judicature. They authorize these councils to try the military offences of soldiers; and therefore, by an inference which is stronger than silence, authorize us to conclude that the Governor had no power to subject those who were not soldiers to their authority.

"The result, then, is, that the law of Holland does not allow what is called 'martial law' in any case; and that the law of England does not allow it without a necessity, which did not exist in the case of Mr. Smith. If, then, martial law is not to be justified by the law of England, or by the law of Holland, or by the law of Demerara, what is there to hinder me from affirming, that the members of this pretended court had no more right to try Mr. Smith than any other fifteen men on the face of the earth; that their acts were nullities, and their meeting a conspiracy; that their sentence was a direction to commit a crime; that if it had been obeyed, it would not have been an execution, but a murder; and that they, and all other parties engaged in it, must have answered for it with their lives?" [1]

May it please the court, many more such precedents as I have already cited might be added to the list, but it is unnecessary. They all teach the same lesson. They enable us to trace from its far-off source the progress and development of Anglo-Saxon liberty; its innumerable conflicts with irresponsible power; its victories, dearly bought, but always won, -- victories which have crowned with immortal honors the institutions of England, and left their indelible impress upon the Anglo-Saxon mind. These principles our fathers brought with them to the New World, and guarded with sleepless vigilance and religious devotion. In its darkest hour of trial, during the late Rebellion, the republic did not forget them. So completely have they been impressed on the minds of American lawyers, so thor-

[1] Miscellaneous Works of the Rt. Hon. Sir James Mackintosh, (London, 1851,) pp. 734 *et seq.*

oughly have they been ingrained into the very fibre of American character, that notwithstanding the citizens of eleven States went off into wild rebellion, broke their oaths of allegiance to the Constitution, and levied war against their country, yet, with all their crimes upon them, there was still in the minds of those men, during all the struggle, so deep and enduring an impression on this great subject that, even during their rebellion, the courts of the Southern States adjudicated causes like the one now before you in favor of the civil law and against courts-martial established under military authority for the trial of citizens. In Texas, Mississippi, Virginia, and other insurgent States, by the order of the Rebel President, the writ of *habeas corpus* was suspended, martial law was declared, and provost-marshals were appointed to exercise military authority. But when civilians, arrested by military authority, petitioned for release by writ of *habeas corpus*, in every case save one the writ was granted, and it was decided that there could be no suspension of the writ or declaration of martial law by the Executive, or by any other than the supreme legislative authority. The men who once stood high on the list of American lawyers, such as Alexander H. Stephens, Albert Pike, and General Houston, wrote letters and made speeches against the practice until it was abandoned. In the year 1862, the commander-in-chief of the Rebel armies, compelled by the force of public sentiment, published a general order disclaiming any right or claim of right to establish martial law or suspend the writ of *habeas corpus* without the authority of the Rebel Congress.

I said there was one exceptional instance. A judge of the Supreme Court of Texas, in the first excitement of the Rebellion, refused to issue a writ of *habeas corpus* to release from military arrest a citizen charged with disloyalty to the Rebel government. He wrote his opinion, and delivered it; but he was so much agitated when he found that he stood alone among judges on that great question of human rights that he went to the book of records in which his opinion was recorded, and with his own hand plucked the leaves from the volume and destroyed them. He also destroyed the original copy, that it might never be put in type, and, having destroyed everything but the remembrance of it, ended his life by suicide. I believe he alone among Rebel judges ventured to recognize martial law declared without legislative authority.

The spirit of liberty and law is well embodied in this one sentence of De Lolme: "The arbitrary discretion of any man is the law of tyrants: it is always unknown, it is different in different men, it is casual, and depends upon constitution, temper, and passion; in the best it is oftentimes caprice, in the worst it is every vice, folly, and passion to which human nature is liable."[1] And yet, if this military commission could legally try these petitioners, its authority rested only upon the will of a single man. If it had the right to try these petitioners, it had the right to try any civilian in the United States; it had the right to try your Honors, for you are civilians.

The learned gentlemen tell us that necessity justifies martial law. But what is the nature of that necessity. If, at this moment, Lee, with his Rebel army at one end of Pennsylvania Avenue, and Grant, with the army of the Union at the other, with hostile banners and roaring guns, were approaching this Capitol, the sacred seat of justice and law, I have no doubt they would expel your Honors from the bench, and the Senate and House of Representatives from their halls. The jurisdiction of battle would supersede the jurisdiction of law. This court would be silenced by the thunders of war.

If an earthquake should shake the city of Washington, and tumble this Capitol in ruins about us, it would drive your Honors from the bench, and, for the time, volcanic law would supersede the Constitution.

If the supreme court of Herculaneum or Pompeii had been in session when the fiery ruin overwhelmed those cities, its authority would have been suddenly usurped and overthrown; but I question the propriety of calling that *law* which, in its very nature, is a destruction or suspension of all law.

From this review of the history and character of martial law I am warranted, by the uniform precedents of English law for many centuries, by the uniform practice of our fathers during the Colonial and Revolutionary periods, by the unanimous decisions of our courts under the Constitution, and by the teachings of our statesmen, to conclude, —

1. That the Executive has no authority to suspend the writ of *habeas corpus*, or to declare or administer martial law; much less has any military subordinate of the Executive such authority;

[1] Rise and Progress of the English Constitution, (London, 1838,) Vol. I. p. 455.

but these high functions belong exclusively to the supreme legislative authority of the nation.

2. That if, in the presence of great and sudden danger, and under the pressure of overwhelming necessity, the chief Executive should, without legislative warrant, suspend the writ of *habeas corpus*, or declare martial law, he must not look to the courts for justification, but to the legislature for indemnification.

3. That no such necessity can be pleaded to justify the trial of a civilian by a military tribunal, when the legally authorized civil courts are open and unobstructed.

It will be observed that in this discussion I have not alluded to the legal status of citizens of those States which were declared, both by the legislative and executive departments of the government, to be in rebellion against the United States. It has been fully settled, not only by the other co-ordinate branches of the government, but by this court, that those States constituted a belligerent government *de facto*, against which the Federal government might proceed with all the appliances of war, and might extend absolute military jurisdiction over every foot of rebel territory. But the military jurisdiction thus conferred by the government did not extend beyond the territory of the rebellious States, except where the tide of war actually swept beyond those limits, and by its flaming presence made it impossible for the civil courts to exercise their functions. The case before your Honors comes under neither of these conditions; hence, the laws of war are inapplicable to it.

The military commission, under our government, is of recent origin. It was instituted by General Scott, in Mexico, to enable him, in the absence of any civil authority, to punish Mexican and American citizens for offences not provided for in the Rules and Articles of War. The purpose and character of a military commission may be seen from his celebrated Order No. 20, published at Tampico. It was no tribunal with authority to punish, but merely a committee appointed to examine an offender and advise the commanding general what punishment to inflict. It is a rude substitute for a court of justice in the absence of civil law.

Even our own military authorities, who have given so much prominence to these commissions, do not claim for them the character of tribunals established by law. The Judge Advocate General says: "Military commissions have grown out of the

necessities of the service, but their powers have not been defined, nor their mode of proceeding regulated by any statute law. . . . . In a military department the military commission is a substitute for the ordinary State or United States court, *when the latter is closed by the exigencies of war*, or is without the jurisdiction of the offence committed." [1]

The only ground on which the learned counsel attempt to establish the authority of the military commission to try these petitioners is that of the necessity of the case. I answer, there was no such necessity. Neither the Constitution nor Congress recognized it. I point to the Constitution as an arsenal stored with ample powers to meet every emergency of national life. No higher test of its completeness can be imagined than has been afforded by the great Rebellion, which dissolved the municipal governments of eleven States, and consolidated them into a gigantic traitorous government *de facto*, inspired with the desperate purpose of destroying the government of the United States.

From the beginning of the Rebellion to its close, Congress, by its legislation, kept pace with the necessities of the nation. In sixteen carefully considered laws, the national legislature undertook to provide for every contingency, and to arm the Executive at every point with the solemn sanction of law. Observe how perfectly the case of the petitioners was covered by the provisions of law.

The first charge against them was "conspiracy against the government of the United States." In the act approved July 31, 1861, that very crime was fully defined, and placed within the jurisdiction of the District and Circuit Courts of the United States.

Charge 2: "Affording aid and comfort to rebels against the government of the United States." In the act approved July 17, 1862, this crime is set forth in the very words of the charge, and it is provided that "such person shall be punished by imprisonment for a period not exceeding ten years; or by a fine not exceeding ten thousand dollars, and by the liberation of all his slaves, if any he have; or by both of said punishments, at the discretion of the court."

Charge 3: "Inciting insurrection." In Brightly's Digest [2] there is compiled from ten separate acts a chapter of sixty-four

[1] Digest of Opinions for 1866, pp. 131, 133. [2] Vol. II. pp. 191–202.

sections on *insurrection*, setting forth, in the fullest manner possible, every mode by which citizens may aid in insurrection, and providing for their trial and punishment by the regularly ordained courts of the United States.

Charge 4: "Disloyal practices." The meaning of this charge can only be found in the specifications under it, which consist in discouraging enlistments and making preparations to resist a draft designed to increase the army of the United States. These offences are fully defined in the thirty-third section of the act of March 3, 1863, "for Enrolling and Calling out the National Forces," and in the twelfth section of the act of February 24, 1864, amendatory thereof. The provost-marshal is authorized to arrest such offenders, but he must deliver them over for trial to the civil authorities. Their trial and punishment are expressly placed in the jurisdiction of the District and Circuit Courts of the United States.

Charge 5: "Violations of the laws of war," — which, according to the specifications, consisted of an attempt, through a secret organization, to give aid and comfort to rebels. This crime is amply provided for in the laws referred to in relation to the second charge. But Congress did far more than to provide for a case like this. Throughout the eleven rebellious States it clothed the military department with supreme power and authority. State constitutions and laws, the decrees and edicts of courts, were all superseded by the laws of war. Even in States not in rebellion, but where treason had a foothold, and hostile collisions were likely to occur, Congress authorized the suspension of the writ of *habeas corpus*, and directed the army to keep the peace.

But Congress went further still, and authorized the President, during the Rebellion, whenever, in his judgment, the public safety should require it, to suspend the privilege of the writ of *habeas corpus* in any State or Territory of the United States, and order the arrest of any persons whom he might believe dangerous to the safety of the republic, and hold them till the civil authorities could examine into the nature of their crimes. But this act of March 3, 1863, gave no authority to try the person by any military tribunal, and it commanded judges of the Circuit and District Courts of the United States, whenever the grand jury had adjourned its sessions, and found no indictment against such persons, to order their immediate discharge from

arrest. All these capacious powers were conferred upon the military department, but there is no law on the statute-book in which the tribunal that tried the petitioners can find the least recognition.

I wish to call the attention of your Honors to a circumstance showing the sentiment on this subject of the House of Representatives of the Thirty-eighth Congress. Near the close of that Congress, when the Miscellaneous Appropriation Bill, which authorized the disbursement of several millions of dollars for the civil expenditures of the government, was under discussion, the House of Representatives, having observed with alarm the growing tendency to break down the barriers of law, and desiring to protect the rights of citizens as well as to preserve the Union, added to the appropriation bill the following section: "*And be it further enacted*, That no person shall be tried by court-martial or military commission in any State or Territory where the courts of the United States are open, except persons actually mustered or commissioned or appointed in the military or naval service of the United States, or rebel enemies charged with being spies."

The section was debated at length in the Senate, and, although almost every Senator acknowledged its justice, yet, as the nation was then in the very mid-whirl and fury of the war, it was feared that the Executive might thereby be crippled, and the section was stricken out. The bill came back to the House; conferences were held upon it, and finally, in the last hour of the session, the House deliberately determined that, important as the bill was to the interests of the country, they preferred it should not become a law if that section were stricken out. I beg leave to read some passages from the remarks of one of the noblest, ablest, and most patriotic men that have honored this nation during the war, — that great man, so lately taken from us, Henry Winter Davis, of Maryland. After reporting the provisions of the bill agreed upon by the committee of conference, he said: —

"Under these circumstances it remained for a majority of the House committee to determine between the great result of losing an important appropriation bill, or, after having raised a question of this magnitude, touching so nearly the right of every citizen to his personal liberty and the very endurance of republican institutions, and to insure its prompt consideration fastened it on an appropriation bill, to allow it to be stricken out of the bill as a matter of secondary importance. The committee

thought that their duty to their constituents, to the House, and to themselves, would not allow them to provide for any pecuniary appropriations at the expense of so grave a reflection upon the fundamental principles of the government. . . . .

"The practice of the government has introduced into the jurisprudence of the United States principles unknown to the laws of the United States, loosely described under the general term of *the rules and usages of war*, and new crimes, defined by no law, called 'military offences'; and without the authority of any statute, constitutional or unconstitutional, and pointing these laws — confined by the usage of the world to enemies in enemies' territory — against our own citizens in our own territory, has repeatedly deprived many citizens of the United States of their liberty, has condemned many to death, who have only been redeemed from that extreme penalty by the kindness of the President's heart, and aided doubtless by the serious scruples he cannot but feel touching the legality of the judgment that assigned them to death.

"There have been many cases in which judgments of confinement in the penitentiary have been inflicted for acts not punishable, either under the usages of war or under any statute of the United States, by any military tribunal; crimes for which the laws of the United States prescribe the punishment have been visited with other and severer punishments by military tribunals; violations of contract with the government, real or imputed, have been construed by these tribunals into frauds, and punished as crimes; excessive bail has been demanded, and when furnished impudently refused; and the attempt of Congress to discriminate between crimes committed by persons in the military forces and citizens not in those forces, has been annulled, and the very offences it specifically required to be tried before the courts of the United States have been tried before military tribunals dependent upon the will of the President. . . . .

"The committee remember that such things are inconsistent with the endurance of republican government. The party which tolerates or defends them must destroy itself or the republic. They felt they had reached a point at which a vote must be cast which may break up political parties, or, if it do not, will break up or save a great republican government. Before these alternatives they could not hesitate. They thought it best, now, at this time, to leave this law standing as a broken dike in the midst of the rising flood of lawless power around us, to show to this generation how high that flood of lawless power has risen in only three years of civil war, as a warning to those who are to come after us, as an awakening to those who are now with us.

"They have, therefore, come to the determination, so far as the constitutional privileges and prerogatives of this House will enable them to accomplish the result, that this bill shall not become a law if these words do not stand as a part of it, — the affirmation by the representatives of

the States and of the people of the inalienable birthright of every American citizen; and on that question they appeal from the judgment of the Senate to the judgment of the American people."[1]

The appeal was taken; the bill failed; and the record of its failure is an emphatic declaration that the House of Representatives have never consented to the establishment of any tribunals except those authorized by the Constitution of the United States and the laws of Congress.

There was one point, suggested rather than insisted upon by the opposing counsel, which it requires but little more than a statement to answer. In their brief, the learned gentlemen say that, if the military tribunal had no jurisdiction, the petitioners may be held as prisoners captured in war, and handed over by the military to the civil authorities, to be tried for their crimes under the acts of Congress, and before the courts of the United States. The answer to this is, that the petitioners were never enlisted, commissioned, or mustered in the service of the Confederacy; nor had they been within the Rebel lines, or within any theatre of active military operations; nor had they been in any way recognized by the Rebel authorities as in their service. They could not have been exchanged as prisoners of war; nor, if all the charges against them were true, could they be brought under the legal definition of spies. There appears to be no ground whatever for calling them prisoners of war. The suggestion of our opponents, that the petitioners should be handed over to the civil authorities for trial, is precisely what they petitioned for, and what, according to the laws of Congress, should have been done. We do not ask that they shall be shielded from any lawful punishment, but that they shall not be unlawfully punished, as they now are, by the sentence of a tribunal which had no jurisdiction over either their persons or the subject-matter of the charges.

The only color of authority for such a trial was found in the President's proclamation of September 24th, 1862, which was substantially annulled by the Habeas Corpus Act of March 3d, 1863, and the subsequent Presidential proclamation of September 15th, 1863. By these acts, the military authority could only *arrest and hold* disaffected persons till after a session of the United States District Court.

May it please the court, I have thus reviewed the principles

[1] Congressional Globe, March 3, 1865, pp. 1421, 1422.

upon which our government was founded, the practice of the fathers who founded it, and the almost unanimous sentiment of its presidents, congresses, and courts.

I have shown that Congress undertook to provide for all the necessities which the Rebellion imposed upon the nation; that it provided for the trial of every crime imputed to the petitioners, and pointed out expressly the mode of punishment. There is not a single charge or specification in the petition before you, — not a single allegation of crime, — that is not expressly provided for in the laws of the United States; and the courts are designated before which such offenders may be tried. These courts were open during the trial, and had never been disturbed by the Rebellion. The military Commission on the tenth day of its session withdrew from the room where it had been sitting, that the Circuit Court of the United States might hold its regular term in its own chamber. For the next ten days the Commission occupied, by permission, the chamber of the Supreme Court of the State of Indiana, but removed to another hall when the regular term of that court began. This military Commission sat at a place two hundred miles beyond the sound of a hostile gun, in a State that had never felt the touch of martial law, — that had never been defiled by the tread of a hostile Rebel foot, except on a remote border, and then but for a day. That State, with all its laws and courts, with all its securities of personal rights and privileges, is declared by the opposing counsel to have been completely and absolutely under the control of martial law; that not only the Constitution and laws of Indiana, but the Constitution and laws of the United States, were wholly suspended, so that no writ, injunction, prohibition, or mandate of any District or Circuit Court of the United States, or even of this august tribunal, was of any binding force or authority whatever, except by the permission and at the pleasure of a military commander.

Such a doctrine, may it please the court, is too monstrous to be tolerated for a moment; and I trust and believe that, when this cause shall have been heard and considered, it will receive its just and final condemnation. Your decision will mark an era in American history. The just and final settlement of this great question will take a high place among the great achievements which have immortalized this decade. It will establish forever this truth, of inestimable value to us and to mankind, that a republic can wield the vast enginery of war without breaking

down the safeguards of liberty; can suppress insurrection, and put down rebellion, however formidable, without destroying the bulwarks of law; can, by the might of its armed millions, preserve and defend both nationality and liberty. Victories on the field were of priceless value, for they plucked the life of the republic out of the hands of its enemies; but

"Peace hath her victories
No less renowned than war,"

and if the protection of law shall, by your decision, be extended over every acre of our peaceful territory, you will have rendered the great decision of the century.

When Pericles had made Greece immortal in arts and arms, in liberty and law, he invoked the genius of Phidias to devise a monument which should symbolize the beauty and glory of Athens. That artist selected for his theme the tutelar divinity of Athens, the Jove-born goddess, protectress of arts and arms, of industry and law, who typified the Greek conception of composed, majestic, unrelenting force. He erected on the heights of the Acropolis a colossal statue of Minerva, armed with spear and helmet, which towered in awful majesty above the surrounding temples of the gods. Sailors on far-off ships beheld the crest and spear of the goddess, and bowed with reverent awe. To every Greek she was the symbol of power and glory. But the Acropolis, with its temples and statues, is now a heap of ruins. The visible gods have vanished in the clearer light of modern civilization. We cannot restore the decayed emblems of ancient Greece; but it is in your power, O Judges, to erect in this citadel of our liberties a monument more lasting than brass, — invisible indeed to the eye of flesh, but visible to the eye of the spirit as the awful form and figure of Justice, crowning and adorning the republic; rising above the storms of political strife, above the din of battle, above the earthquake shock of rebellion; seen from afar, and hailed as protector by the oppressed of all nations; dispensing equal blessings, and covering with the protecting shield of law the weakest, the humblest, the meanest, and, until declared by solemn law unworthy of protection, the guiltiest of its citizens.

At the second session of the Thirty-eighth Congress, a resolution was adopted, directing the Military Committee to "inquire and report to the House what legislation or action, if any, is necessary to secure to persons

arrested and imprisoned by military authority a prompt examination into the causes of the arrest, and their discharge if there be no adequate cause for their detention, and a speedy trial where there is such cause." Upon a motion to reconsider this resolution, January 18, 1865, Mr. Garfield said: —

I WISH to make two observations. First of all, I agree with what the gentleman from Maryland [1] has just said; and in illustration of what I desire to say, I call attention to a bill that passed the House last session, but did not pass the Senate, and which, in my judgment, is vitally important as a means to preserve the independence of the officers of our armies. Early in the war, it will be remembered, Congress, for good reasons, gave to the President the power of summary dismissal when he believed the public service would be subserved thereby. At that time the army was full of traitors, and it was necessary that by a more summary process than court-martial they should be driven out.

But it was thought last winter by the House of Representatives, that the danger had so far passed that we might safely repeal the law. Important as that law has been in some respects, — and none will doubt its value and necessity at the time of its enactment, — I am satisfied that in other respects it has had a very unfortunate influence. It has gone very far toward weakening the manliness and independence of the officers in the army. If, sir, I am in the army, and know that my superior officer can make such representations as will cause me to be dismissed without a hearing and without a trial, how strong is the tendency of that knowledge to make me a timid, subservient tool! The whole tendency of it is to take away the personal independence and manliness of the subordinate officer, because he has no guard for his standing and position except the favor of his superior, — no right to demand, as the American officer always had in former times, that he should be speedily and fairly tried by a jury of his peers. For this reason we passed a bill last winter, by a very large majority, — almost unanimously, I believe, — to repeal the law giving this power to the President. That bill is dying a lingering death at the other end of the Capitol. I believe that the bill ought to become a law.

I desire, in the second place, to call attention to the fact that it is now the law, and has been since the foundation of our gov-

[1] Mr. Davis.

ernment, that when an officer of the army is arrested for any supposed crime or misdemeanor, he shall be held in arrest — it may be in close confinement and under guard, according to the enormity of the supposed offence — no longer than eight days without being furnished with a copy of the charges against him. The law also allows him a speedy trial.

Now, without trenching upon the business in which the Committee on Military Affairs was engaged this morning, I will say that one officer at least has been in confinement for five months within sight of this Capitol. Both he and his keeper declare that he has not been furnished with a copy of the charges against him. He says that he has again and again demanded in vain to know with what crime he was charged. He is a man who bears upon his person honorable scars received in the service of his country; he is a colonel; and the vengeance of some one fell upon him, like a bolt from a clear sky. He declares that he knows no reason for it and can learn none. An agent of the War Department, an officer unknown to the laws and Constitution of the country, lays his hand upon a man, puts him in prison, where he is kept until said agent, or some power above him, is pleased to release him. There are plenty of alleged cases where officers and citizens, after being confined for a long period, have been allowed to go out without a word of explanation concerning either the arrest or the discharge.

I ask the House of Representatives whether that kind of practice is to grow up under this government, and no man is to raise his voice against it, or make any inquiry concerning it, lest some one should say he is factious, unfriendly to the War Department, and opposing the Administration. Gentlemen, if we are not men in our places here, let us stop our ears to all complaints; let every department do as it pleases; and in meekness and in silence let us vote whatever appropriations are asked for. I do not say, for I do not know, that the head of any department is responsible for these things, or knows them. It may be they have been done by subordinates. It may be the heads of departments are not cognizant of the facts. I make no accusations; but I do say, that it is our business to see that the laws be respected, and that if a man has no powerful friend in court he shall at least find the Congress of the United States his friend. I hope the resolution will not be reconsidered.

THE PUBLIC DEBT AND SPECIE PAYMENTS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, MARCH 16, 1866.

IN the Thirty-eighth Congress, Mr. Garfield was a member of the Committee on Military Affairs; in the Thirty-ninth, he was transferred, at his own request, to the Committee of Ways and Means. This transfer marks a period in his mental history, and in the history of his public life. Now began his services in the field of economical discussion and legislation. "The Public Debt and Specie Payments" was the first of his Congressional speeches on this class of subjects. From this time on, he bore a prominent part in the discussion of loans, banks, taxation, tariff, paper money, and resumption, as these questions came before Congress and the country. As many of these questions were but phases of *one* great question — as they grew out of the same general facts — it will be well here to set those facts down once for all: — 1. The enormous expenditures of the war. 2. The imposition of heavy taxation. 3. The creation of a great public debt. 4. The abandonment of specie payments, and the issue by the national Treasury of legal-tender paper money. 5. The national banks, the creation of which involved the destruction of the old State banks of issue, and the assertion of exclusive jurisdiction over bank-note issues on the part of the general government. 6. The over-issue and consequent depreciation of the currency.

The legal-tender notes and the national banks were new fiscal instruments to the American people. Of the two acts creating them, the Legal Tender Act was by far the more radical and dangerous measure. It involved a complete reversal of the national policy, since from the day that the Constitution went into effect gold and silver had constituted the sole tenders for debt. This reversal of policy was justified at the time by alleging, (1.) That the government could not maintain specie payments through the war, but must use a cheaper money; and (2.) That Congress had the constitutional power, in time of war, to make paper a

legal tender. Let it be noted that this power was expressly called a war power. Not only was the power thus limited, but it was held that, when the war was over, it would be the duty of the government to return to coin payments at the earliest practicable moment. The paper promises of the government — whether bonds or legal-tender notes — must then be redeemed in coin.

The war over, the President, Secretary of the Treasury, and others who remembered and respected the promises of 1862 and 1863, thought that steps should immediately be taken in the direction of resumption. March 3, 1865, an act was approved which authorized the funding in six-per-cent gold bonds of the interest-bearing obligations of the government. At the opening of the next session, a more decided step was proposed; viz. to fund its non-interest-bearing obligations. February 1, 1866, a bill was reported from the Committee of Ways and Means that, after amendment, read thus: —

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled 'An Act to provide ways and means to support the government,' approved March 3, 1865, shall be extended and construed to authorize the Secretary of the Treasury, at his discretion, to receive any Treasury notes or other obligations, issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds authorized by the act to which this is an amendment; and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any Treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been or which may be issued under any act of Congress, the proceeds thereof to be used for retiring Treasury notes or other obligations issued under any act of Congress; but nothing herein contained shall be construed to authorize any increase of the public debt: *Provided*, That the act to which this is an amendment shall continue in full force in all its provisions, except as modified by this act."

This was a contractive measure. Its authors and defenders desired as early a return to specie payments as was practicable; and they held that this end could not be reached without reducing the volume of the currency. Hence it was a proposition to fund greenbacks, as well as to provide for other obligations of the government as they should mature. It was opposed on various grounds, but mainly because, as was held, it would disturb the business of the country. Mr. McCulloch, Secretary of the Treasury, was known to be a resumptionist and a contractionist; and it was well known that he would use whatever power the law gave him to carry out his ideas. The bill failed in the House, but was re-

considered and recommitted to the Committee of Ways and Means. It came back to the House, with certain important restrictions and limitations. In the new form the bill passed both Houses, and was approved, April 12, 1866. This proviso was the most important of the new features of the bill: "*Provided*, That of United States notes not more than ten million of dollars may be retired and cancelled within six months from the passage of this act, and thereafter not more than four million of dollars in any one month."

"Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with [irredeemable] paper money." — *Daniel Webster.*

MR. SPEAKER, — After the long and spirited contest on this bill, I shall do little beyond making as plain a statement as I can of the great financial problem now before the country for solution. The bill relates to two leading points in that problem, viz.: —

1. To our indebtedness that shall accrue from time to time in the course of the next three years.

2. To our currency and its relation to the standard of value.

I shall notice these in the order that I have named them.

Several gentlemen have said, in the progress of this debate, that what might have been a very proper financial measure in time of war might be a very dangerous and unnecessary one in time of peace; that the vast powers proposed to be given to the Secretary of the Treasury in this bill are powers justifiable only in time of great public danger, as in the late war.

Now I beg to remind gentlemen that the financial problems before this country are becoming greater since the war than they were during its continuance. In the midst of the war, when the blood of the nation was up, — when patriotism was aroused, and the people were determined to put down the Rebellion and preserve the republic at all hazards, — when the last man and the last dollar were offered a willing sacrifice, — it was comparatively easy to pass financial bills and raise millions of money. But now, when we are to gather up all the pledges and promises of four terrible years, and redeem them out of the solid resources of the people in time of peace, the problem is far more difficult. To solve it successfully requires greater exertion, and perhaps even greater financial ability, than would be requisite were the war still raging.

What is the amount of indebtedness to be met, and when must it be met? To this question I invite the careful and earnest attention of the House. I shall give the official statement of the amount of our total indebtedness, and also of that portion soon to become due. The amount of our public debt on the first day of this month was $2,711,850,000. Less than half of this amount is funded. Within the next three years $1,600,000,000 of this debt will fall due, and will be presented at the counter of the Treasury Department for payment. That payment must be promptly made, or our paper goes to protest and our credit is broken. I hold in my hand an official table showing the amount of our indebtedness that matures during each half-year for the next two years, from which, after a word of explanation, I will read.

There was on the last day of February, 1866, a portion of our debt in the form of a temporary loan to the amount of $119,335,194.50, payable at the option of the lender after ten days' notice. It would hardly be fair to reckon that whole amount as payable within the first six months, yet as it may be called for at any time, and is to the nation the least desirable form of loan, it must be added to the statement of indebtedness soon to be met. With this explanation, and supposing the payment of this loan to be demanded within the next six months, I call attention to the facts exhibited in the table.

Between this and the 30th of June next, we must pay, in addition to the regular expenditure of the government, $138,674,874.82. During the six months ending December 31, 1866, we must pay $47,665,000. During the six months ending June 30, 1867, we must pay $8,471,000. During the six months ending December 31, 1867, we must pay $350,000,000. During the six months ending June 30, 1868, we must pay $369,415,250. During the six months ending December 31, 1868, we must pay $287,564,482. So that between this and the assembling of the next Congress there must be paid over the counter of the Treasury, besides the ordinary expenses of the government, $1,201,790,606.82.

I am sure that every member of this House acknowledges that this is a sacred obligation, every dollar of which must be promptly met the day it is due. I take it for granted that no man here will consent that a single dollar of it shall go to protest, or that any act of this House shall bear the least taint or

color of repudiation. We must, therefore, meet these obligations. How can it be done?

MR. SPAULDING. Does not this amount of indebtedness include the seven-thirty bonds for which the government may issue five-twenty bonds?

My colleague is correct. Most of the seven-thirty bonds are included in this amount, but they must be redeemed in money or five-twenty bonds at the holder's option. The Secretary has no power to compel an exchange.

As I have already stated, there will be presented for payment in some form before the assembling of the Fortieth Congress $1,201,000,000, in addition to the ordinary expenditures of the government. How are these demands to be met? With what power is the Secretary of the Treasury clothed to enable him to meet this enormous obligation?

There are two clauses in the existing laws which give him some power.

The first and chief is found in the last clause of the first section of the act of the 3d of March, 1865, which has been so ably discussed by my colleague on the committee.[1] He has shown us — and no man, I believe, will venture to deny the correctness of the position — that the clause gives the Secretary of the Treasury power merely to *exchange* one kind of paper for another, but only with the consent of the holder. If the holder says, "I will not take your long bonds, I demand my money," his money he must have. If, when the seven-thirty bond is due, the state of the market makes money more valuable than a six-per-cent bond for twenty years, the holder will of course demand money. He will of course take the option most profitable to himself and least advantageous to the government.

The other clause is found in the act of June 30, 1864. The second section of that act allows the Secretary of the Treasury to take up the various kinds of paper representing indebtedness, and issue therefor compound-interest notes or seven-thirty bonds. These two descriptions of paper are of all others the most expensive for the government to issue. I say, then, concerning this power, it is one that the Secretary ought not to use. It would be a calamity should he be compelled to

[1] Mr. Allison, of Iowa.

use it. It would be a calamity, in the first place, were he compelled to issue in exchange for maturing indebtedness these compound-interest notes, for they are the most costly paper the government can issue to its creditors, — notes that are payable in three years with interest compounded every six months. It is enough to break the financial strength of any nation. Again, by the provisions of this act the Secretary may issue seven-thirty bonds in exchange for matured indebtedness. They are short bonds. They now fill the market more than any others, and will be maturing after about twelve months. If we pay these out, it will be only for the purpose of taking up others of the same kind. Even this can be done only at the option of the holder.

I say, therefore, that the Secretary is substantially limited in his power to these two clauses of the law: one that he ought not to use, and cannot use without great disadvantage to the public credit; and the other that he can use only for the purpose of an even exchange, and that, too, by the consent of the holders. Therefore he has but little power or discretion in funding the national debt. If Congress gives him no more power, the Treasury will be at the mercy of the public creditors, who may combine to control the stock market, and compel the Secretary to sacrifice the public credit to the gamblers of Wall Street. I hold it demonstrable that, if you leave the Secretary of the Treasury where he is, you abandon him to the mercy of the holders of the public securities, who, if they please, can utterly break him down, and send the paper of the government to protest.

Under these circumstances, it was the duty of the Committee of Ways and Means to inquire what further power was necessary to enable the Secretary to meet these obligations as they mature, and put the debt into the form of long bonds at a lower rate of interest than we now pay. The committee believe that the bill now before the House gives the Secretary no more power than is needful for the accomplishment of the work before him. With that power the Secretary believes he can do the work. Without it he cannot.

If the plan now proposed be not adopted, it is incumbent upon this House to offer one that will accomplish the work. It is not enough that gentlemen are able to point out defects in this bill, and raise objections to it; but it is incumbent upon them to

show us a plan which will acccomplish the desired result and not be liable to equally grave objections.

Now, sir, what has been proposed as a substitute for this bill? The distinguished gentleman from Pennsylvania[1] has offered a substitute. I hope no one misunderstands his purpose. He is not only opposed to the pending bill, but he is unwilling to give the Secretary any additional power. He is not only unwilling to give the Secretary additional power, but he desires to take away much of the power already granted. His substitute consists of the committee's bill, with every vital provision cut out, and the following disabling section added: "Sec. 2. That all laws or parts of laws which authorize the Secretary of the Treasury to fund or withdraw from circulation any United States legal-tender notes not bearing interest be, and the same are hereby, repealed." If this substitute shall become a law, I desire it to be remembered that the House must take the responsibility of the disastrous results which may follow. I have undertaken to state the first great duty which rests upon the Secretary of the Treasury; namely, to meet the maturing indebtedness of the government. Before leaving the first point, however, let me say that the committee have not been willing to leave the Secretary merely the barren power of exchanging one form of paper for another, bond for bond, dollar for dollar, and that only at the option of the holder. It is proposed in this bill that he be permitted to put a loan on the market, to sell bonds for money, and with that money redeem the old bonds as they mature. Even if we had no desire to limit the volume of paper currency, it would be necessary to give him this power for the purpose of funding the debt.

But I hasten to the consideration of the currency. I call attention to the fact that Congress has established a policy, which is now nearly four years old, in reference to the circulating medium of the country. Five years ago there were in the United States over sixteen hundred banks, based on any and every kind of security, and issuing currency in such amounts as were authorized by the laws of the various States. The notes of one bank were based on real estate; of another, on State stock; of another, on United States stock. Each had its peculiar basis, its peculiar kind of currency, and regulated the amount of its circulation according to its own rules and opinions. Six-

[1] Mr. Stevens.

teen hundred independent corporations were tinkering at the currency. The result was, that a paper dollar in Ohio, though worth one hundred cents in gold at home, would pass for only ninety or ninety-five cents in California or Massachusetts. A Massachusetts dollar would fare equally hard in California. A paper dollar was worth its face in gold only in the immediate locality of its issue.

In the progress of the war against the rebellion, there was adopted a system of national banks based on a uniform security, — the bonds of the United States, — so that a paper dollar issued in Ohio is worth no less when it reaches Massachusetts. It was not, however, thought prudent by the Thirty-seventh and Thirty-eighth Congresses to make the United States government a banker for the people, with arbitrary power to regulate the currency as it pleased. It was thought to be dangerous to repeat the history of the United States Bank of thirty years ago; and therefore it was resolved that a national bank system, based on the bonds of the United States, and regulated by the necessities of trade, should be the established policy of the government. The greenback currency was issued only as a war measure, to last during the necessities of the war, then to be withdrawn, and give place to the national bank currency.

The war is now ended; and unless we mean to abolish the national bank system, and make the government itself a permanent banker, we must retire from the banking business, and give place to the system already adopted. Unless gentlemen are now ready to abandon entirely the national bank system, they must consent that ultimately the greenback circulation shall be withdrawn, and that the notes of the national banks shall furnish a paper currency which, together with gold, shall constitute the circulating medium of the country. The committee have proceeded on the belief that the national bank system is to be the permanent system of this country, and that the greenback circulation was only incidental to the necessities of war, and that with the removal of these necessities it was to be withdrawn.

Shall we return to specie payments? and if so, when and how? The President, in his late annual message, has expressed clearly and determinedly the purpose of the executive department of the government to return at the earliest practicable moment to the solid basis of gold and silver. The Secretary of

the Treasury in his report sets forth, with very great clearness and ability, the importance of an early return to specie payments. And this House, on the 18th of December last, with but six dissenting votes, not only declared itself in favor of returning as speedily as practicable to a specie basis, but also declared that the currency must be contracted as a means of resumption.

Now, how shall this be accomplished? By what lever can the financial machinery be so moved as to effect the object so much desired by every department of the government? I answer, that the only lever in our hands strong enough to lift the burden and overcome every obstacle is our power over the greenback and fractional currency. In the first place, they constitute $450,000,000 of the volume of the currency. In the second place, they underlie the national bank system, and constitute the reserves required by law.

It has been said in this debate, that the circulation is not redundant; that we have now no more paper money than the business of the country requires; that the rate of interest is high, the money market stringent, and prices greatly advanced. I hold it demonstrable that our redundant currency is the chief cause of the high prices and the stringent money market.

I know that figures are not always the best index of the financial situation. If they were, I might show that less than three hundred million dollars furnished the circulation of this country before the war, and that now we have more than a thousand million. I need only refer to the hornbooks of financial science to show that the only sure test of the redundancy of paper money is its convertibility into coin at the will of the holder, and that its redundancy will inevitably increase prices. On the latter proposition I will read a sentence from the highest living authority in political economy, John Stuart Mill: "That an increase of the quantity of money raises prices, and a diminution lowers them, is the most elementary proposition in the theory of currency, and without it we should have no key to any of the others." [1]

MR. PRICE. I want to ask the gentleman from Ohio whether there is any more currency in circulation now than six months ago. In short, I want to know whether there has not been more currency in circulation every day of the week, and every week of the month, for the last six

[1] Political Economy, Vol. II p. 18 (Boston, 1848).

months, — and has it not been increasing? I want to know whether it is not equally true, that gold has been coming down steadily, certainly, gradually, surely; and not only that, but that the commodities of trade and commerce have come down in the same ratio. Yet the currency has been increasing, strange as it may seem. And the gentleman need not go back to the hornbooks to find out these facts. They stare us in the face every day. It cannot be denied that, while the currency has been increasing, gold has been going down.

A paragraph from the Merchants' Magazine for January last will perfectly answer the gentleman's question. It is to this effect: the President's Message raised government securities at home and abroad, and depressed gold. The report of the Secretary of the Treasury accomplished still more. The very announcement of the policy of resumption has checked gold and stock gambling and brought down prices. That historical fact is a complete answer to the gentleman's question. Besides, sir, it must be remembered that six hundred millions of Rebel currency collapsed and disappeared on the day the so-called Southern Confederacy collapsed, and thus left a vacuum into which our currency has since been flowing.

I call attention, because the gentleman from Pennsylvania[1] has referred to it, to a remarkable example in British financial history. I have never seen a more perfect illustration of the truth that history repeats itself, than this debate as compared with the debate in the British Parliament during their great struggle for a return to specie payments after the war against Napoleon. From 1797 to 1819 the British people had only a paper circulation, and, as is always the case, the poorer currency drove out the better. As respectable people leave that portion of a city in which disreputable people settle, so gold retires before an irredeemable paper currency. If our customs and the interest on our public debt had not been made payable in coin, gold would have disappeared from the country. In England, when they had no gold in circulation, when prices had risen, when rents had risen, after stocks had fallen, Englishmen did what we are now attempting to do.

In 1810 a committee of the ablest financiers and statesmen was ordered to report the cause of high prices and the premium upon gold, and after a laborious investigation, during which the most distinguished men were called in as witnesses, that most

[1] Mr. Stevens.

able paper, the Bullion Report, was submitted to Parliament. In that report the principle was enunciated that the only true test of the redundancy of currency is its comparison in value with gold; that whenever a paper dollar is not exchangeable for a gold dollar, it is proof that there are too many paper dollars; and there can be no surer test. In the report of that committee it was laid down as a fundamental proposition, that nothing but the supreme test of gold applied to paper will certainly determine the question of redundancy. That report was debated for many weeks, and every leading banker, broker, importer, and jobber of England opposed the Bullion Committee and the proposed return to cash payments. The measure was defeated. Gold and prices immediately rose. From 1811 to 1819 there was a steady rise in prices and stocks; and in the year 1819 another committee of the House of Commons was appointed to examine and report on the financial situation of the kingdom. Three members of the Bullion Committee of 1810 were also on the committee of 1819. After a most searching investigation, they reported in favor of resumption, and indorsed the doctrines of the Bullion Report.

Then it was that Sir Robert Peel distinguished himself as the great statesman and financier of England by declaring in the House of Commons his conversion to the doctrines of the Bullion Report, which he had so strenuously opposed eight years before. I have before me the records of the great debate in which that illustrious man lamented that the distinguished author of the Bullion Report of 1811 [1] was not then alive to aid him in that struggle, and witness the triumph of those principles so clearly set forth in 1811. Eight years of terrible experience had demonstrated the truth of the Bullion Report. "Sir," said Peel, "we shall never have financial security in this country until we adopt the principles of that report"; and after a Parliamentary struggle, the report of which fills nearly five hundred pages of Hansard's Debates, the report was adopted, and its principles have ever since been the acknowledged creed of Great Britain and of all other countries whose people have carefully studied the subject. I refer to this, sir, as a matter of history, and I further assert that there is no respectable authority on the subject of finance, on the other side of the water or here, that denies the doctrine that the only true test of redun-

[1] Francis Horner.

dancy of currency is its convertibility into gold. You may bring your figures to prove that we have no more currency than our trade requires; but I tell you that so long as your paper dollar cannot be converted into gold, there is too much currency, and the moment it can be converted into gold for its face, it has reached a stable and safe basis.

Now, if any gentleman here has the temerity to deny this doctrine, I shall be pleased to hear his reasons for it. To make his denial good, he must prove that the immutable laws of value have been overthrown. He cannot plead that the necessities of trade alone control the value of currency. Double the amount of currency, and the money market will be apparently more stringent; triple the amount, and money will be more stringent still. Why do we need four times as much money now to move the products of the country as was needed five years ago? Simply because the inflation of the currency has quadrupled prices and deranged values.

But the worst feature in the case is the stimulus which this inflation gives to dishonesty everywhere, and the consequent discouragement of productive industry. I will not now question the policy of the act of 1862, by which paper money was made a legal tender. It was perhaps a necessity of the war that could not have been avoided. But no one will deny that it unsettled the basis of all values in this country. It was a declaration by law that a promise to pay a dollar might be discharged by paying a sum less than a dollar. There was a time within the last two years when an obligation to pay one hundred dollars could be legally cancelled by the payment of thirty-eight dollars. The manifold evils resulting from such a state of things cannot be computed. To fulfil in January the contract of July may ruin the creditor, because the meaning of the most important word in the contract has been changed by the changing market. The dollar of July may have represented forty cents, while the dollar of January may represent double that sum.

Will prudent men embark in solid business, and risk all they possess to such uncertain chances? There is left open the alluring temptation to speculate on the rise and fall of gold, stocks, and commodities, a pursuit in which all that is gained by one is lost by another, and no addition is made to the public wealth. And this is the history of thousands of our business

men. They have trusted their capital to the desperate chances of Wall Street. They have embarked on the sea of paper money, and they ask us to keep the flood rising that they may float. Every day adds stimulus to this insane gambling, and depresses legitimate business and honest labor. The tide must be checked, and the fury of the flood restrained. We must bring values back to the solid standard of gold. Let that be done, and the fabric of business is founded, not on the sand, but on the firm rock of public faith. The fury of the storm tore us from our moorings, and left us to the mercy of the waves. Let us pilot the good ship again into port, so that we may once more feel the solid earth beneath our feet.

How perfectly prices have kept pace with the currency let the history of the last five years show. Name any one year in which the currency has been more inflated than in the preceding, with no prospect of contraction, and you will find prices proportionately advanced. I hold in my hand the price list of the last four years, as published in the Merchants' Magazine. Take, for example, the average price of flour. In January, 1861, it was $5.35 per barrel; in 1862, it was $5.50; in 1863, $6.05; in 1864, it was $7; in 1865, $10. The prices kept in exact proportion to the volume of the currency. Now, in January, 1866, after the President, the Secretary of the Treasury, and Congress had made a decided movement toward specie payments, and indicated their purpose to restore the old standard of value, the price dropped to $8.75 per barrel, as the average for the month. Take any one of the sixty-three articles on this market list, and it will exhibit the same truth, that an expanded currency produces high prices. British and French history, as well as our own, give the same testimony on this subject. I do not, of course, suppose that resumption will bring us down to old prices. Heavy taxes and the increased product of gold will hold prices higher than they were before the war.

I cannot leave this point without citing the great authority of Daniel Webster on the subject of irredeemable paper money. I quote from his speech of May 25, 1832, on the Bank of the United States: —

"A sound currency is an essential and indispensable security for the fruits of industry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or

to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium; such a medium as shall be a real and substantial representative of property, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but made stable and secure by its immediate relation to that which the whole world regards as of a permanent value. A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy; and it fosters the evil spirits of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community, compared with a fraudulent currency and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well disposed, of a degraded paper currency authorized by law, or in any way countenanced by government."[1]

Resumption is not so difficult a work as many suppose. It did not take so long in England as the gentleman from Pennsylvania[2] stated in his speech this afternoon. In July, 1819, Parliament decreed that after February 1, 1820, the Bank should begin to redeem in small quantities, and should increase the amount at stated periods until May, 1823, when full specie payment should be made. The Bank contracted its circulation, reduced the price of gold, and fully resumed payments, May 1, 1821, only fifteen months after the law went into operation. I should be sorry to see a sudden contraction of our currency and a rapid decline in gold. It would be too great a shock to business. But if the Secretary is armed with the requisite power, he can make the movement so steadily and gradually as not to disturb, to any dangerous degree, the course of business and trade.

The chief objection urged against the pending bill is that it confers too much power, — more than ought to be intrusted to any man. Now, sir, a tremendous power was given to General Grant, when the lives of hundreds of thousands of men were placed absolutely at his disposal. Sherman was intrusted with

[1] Works of Daniel Webster, Vol. III. pp. 394, 395. [2] Mr. Stevens.

vast power when he started with his great army on his march to the sea. But it was necessary to trust some one with that power. Congress could not command armies and plan campaigns. So also, in the present emergency, some one must be trusted with power. Congress cannot negotiate a loan, cannot regulate the details of the currency, or fund the debt. It must delegate the power. I will not eulogize the present Secretary of the Treasury; he needs no eulogy from me. It is the Secretary of the Treasury, not Hugh McCulloch, who needs this power. I vote to give it to the incumbent of that high office, whoever he may be, and hold him responsible for the use he may make of it.

I repeat it, sir, if gentlemen do not approve this bill, they should offer some other plan that will accomplish the desired result.

[Here Mr. Garfield turned aside from the direct line of his argument to discuss the question of the States taxing the national bonds. As the subject of taxing the bonds is much more fully discussed in the speech of July 15, 1868, that branch of his argument is here omitted.]

The gentleman from Pennsylvania[1] tells us he is in favor of returning to specie payments when it can be done without disturbing or deranging the business of the country. If he waits for that, it can never be done. It cannot be done without first contracting the currency and producing a temporary stringency in the money market. If we have not the nerve to do that, if we have not patriotism to suffer that temporary inconvenience, we must go on in the swift road to financial disaster and ultimate national bankruptcy.

The gentleman says we must reach specie payments by protection. He says, if we protect our manufactures we shall keep gold from going abroad. This is not his first attempt to regulate the value and movement of gold by legislation. After a few days' trial, his law of 1864 for that purpose was repealed. I do not oppose protection. I am in favor of protecting the sanctity of contracts by bringing all values back to the basis of a uniform standard. Then our iron mills will not stand idle, as they now do, because of the risk occasioned by the violent fluctuation of prices.

Mr. Speaker, this is our only remedy. I have faith in the

[1] Mr. Stevens.

Secretary of the Treasury that he will, by and by, with as little disturbance to business as possible, bring us to specie payments. We have travelled more than one quarter of the way since Congress met. Gold was then 148, now it is 130. Mercury in the barometer is not more sensitive to atmospheric influences than is the gold market to the legislation of Congress. Witness the following paragraph from the financial column of a recent New York daily: "Wall Street is more animated to-day in consequence of the report, which is extensively believed, that all loan bills will be made conducive to inflation, and that the temper of Congress is hostile to all measures looking toward contraction of the greenback currency. This is interpreted to be favorable to higher prices, and is already producing its effects in stimulating speculation." Defeat this bill and there will be a jubilee in Wall Street. This House must take the responsibility.

The bill having been lost on the 16th of March by a small majority, Mr. Garfield changed his vote so as to enable him to move to reconsider, which motion was sustained by the House on the 19th. Before moving the previous question, Mr. Garfield said: —

MR. SPEAKER, — Every gentleman in this House must admit that, during the short time given to the committee this morning, a full hearing has been given to two of the ablest gentlemen who oppose this measure, and I presume their views could not have been more strongly stated in the same length of time than they have just been stated by the gentleman from Massachusetts.[1] But I wish to call his attention and that of the House to the fact that, in the discussion of the bill, he has raised an issue aside from the question. He has undertaken to antagonize the policy of the Secretary of the Treasury with the business interests of the country, and has told us that we are putting in the hands of the Secretary a power which may be used against the industry and honest labor of the country.

We propose, sir, to put power into his hands to be used against those financial gamblers who would break down the public credit, and thus injure the most important interests of the country. I would be the last man to cast a vote that could oppress the manufacturer, or any other producer of wealth, and

[1] Mr. Boutwell.

I believe that the honorable Secretary asks for power, not to oppress, but to encourage industry. But I ask gentlemen whether they have considered where he will be left in case we do not give him the power he now asks. Why does he ask it? The President of the United States declared a financial policy, which has been more fully elaborated by the Secretary, and we are now asked to give him power to carry out that policy; but gentlemen hesitate, because it may bring a temporary pressure upon the business of the country.

The gentleman has stated the amount of currency that might be withdrawn under the provisions of this bill, and says if the whole were withdrawn it would cause a disastrous collapse. He has forgotten that there is nearly $300,000,000 of gold and silver in this country which will flow into the circulation as the greenback currency is retired. He has also forgotten that we are now producing over $100,000,000 in gold and silver every year from our mines. He has omitted these very considerable sums, which changes entirely the conditions of the problem before us.

MR. STEVENS. From what data does the gentleman undertake to say that there is $300,000,000 in gold now in this country ready for circulation?

I base my estimate on the opinion of those who have given the subject careful attention, and also upon the condition of our foreign exchanges. The gentleman is aware that exchange for gold with all nations is now in our favor, and that cannot be unless we have a very considerable quantity of gold in the country.

MR. STEVENS. I have seen no record of over $70,000,000.

There are $57,000,000 in the Treasury now, besides what is deposited in banks and in private coffers. Beside this, it must be remembered that gold is now the currency of the Pacific States. But the fact that foreign exchange is in our favor is an indubitable proof that we have a large supply of specie.

MR. KELLEY. Will the gentleman permit a single brief question? Is not the inflowing volume of gold a return for bonds, rather than for produce of any kind, raw or manufactured?

That does not alter the fact. By whatever means it comes, we have the gold, and the supply is increasing, and will increase so long as we pursue the policy of resumption.

And now, once for all, I desire to say, before leaving this subject, that neither the Secretary of the Treasury nor the Committee of Ways and Means intends or desires that there shall be a rapid contraction of the currency; there is no purpose of that kind. Already, in anticipation of the measure now under discussion, gold is falling even more rapidly than is desirable. I am sorry to see it move downward so fast as it does. And the Secretary of the Treasury, if he could, would make its decline more gradual.

Mr. Speaker, the question is, will we give the Secretary of the Treasury the power to initiate the policy of contraction of the currency, as the House indicated so decisively on the 18th of December last?[1] What other policy has been suggested? A policy has been suggested by the gentleman from Pennsylvania[2] in a bill he introduced this morning. That bill authorizes the Secretary of the Treasury to take up short bonds as they mature, and issue greenbacks in payment. If it should be adopted, $1,000,000,000 of greenbacks would be issued in the next eighteen months. I have upon my desk a pamphlet written by a citizen of Pennsylvania signing himself "Patriot," who recommends the immediate issue of $1,000,000,000 of greenbacks, and believes it would put the country in a healthy condition for business! This enthusiastic pamphleteer rises to the sublime, if not to the blasphemous, and declares, as the sum of his financial wisdom, that next to the immortal God paper money is the greatest and most beneficent power on this earth. This "Patriot" will be delighted with the bill of his distinguished representative.

Mr. Speaker, there is no leading financier, no leading statesman, now living, or who has lived within the last half-century, in whose opinion the gentleman can find any support. They all declare, as the Secretary of the Treasury declares, that the only honest basis of value is a currency redeemable in specie at the will of the holder. I am an advocate of paper money, but that paper money must represent what it promises on its face. I do not wish to hold in my hands the printed lies

[1] The reference is to this resolution, adopted at that time: "Resolved, That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge co-operative action to this end as rapidly as practicable."

[2] Mr. Kelley.

of the government; I want its promise to pay, signed by the high officers of the government, sacredly kept, in the exact meaning of the words of the promise. Let us not continue to practise this conjurer's art, by which sixty cents shall discharge a debt of one hundred cents. I do not want industry everywhere to be thus crippled and wounded, and its wounds plastered over with legally authorized lies.

A bill was introduced into the House expressing the wishes of the Secretary of the Treasury. The Committee of Ways and Means reduced its proportions, and struck out several provisions that they believed could safely be spared. They struck out the foreign loan clause, and restricted the power conferred by it till the Secretary declares that with any less power he shall be unable to fund our indebtedness and manage our finances.

I propose, sir, to let the House take the responsibility of adopting or rejecting this measure. On the one side, it is proposed to return to solid and honest values; on the other, to float on the boundless and shoreless sea of paper money, with all its dishonesty and broken pledges. We leave it to the House to decide which alternative it will choose. Choose the one, and you float away into an unknown sea of paper money, that shall know no decrease until you take just such a measure as is now proposed to bring us back again to solid values. Delay this measure, and it will cost the country dear. Adopt it now, and with a little depression in business and a little stringency in the money market the worst will be over, and we shall have reached the solid earth. Sooner or later such a measure must be adopted. Go on as you are now going on, and a financial crisis worse than that of 1837 will bring us to the bottom. For one I am unwilling that my name shall be linked to the fate of a paper currency. I believe that any party which commits itself to paper money will go down amid the general disaster, covered with the curses of a ruined people.

Mr. Speaker, I remember that on the monument of Queen Elizabeth, where her glories were recited and her honors summed up, among the last and the highest, recorded as the climax of all her achievements, was this, — that she had restored the money of her kingdom to its just value. And when this House shall have done its work, when it shall have brought back values to their proper standard, it also will deserve a monument.

THE MEMORY OF ABRAHAM LINCOLN.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES,

APRIL 14, 1866.

ON motion of Mr. Garfield, the reading of the Journal of yesterday was dispensed with. He then said: —

MR. SPEAKER, — I desire to move that this House do now adjourn. And before the vote upon that motion is taken I desire to say a few words.

This day, Mr. Speaker, will be sadly memorable so long as this nation shall endure, which God grant may be "till the last syllable of recorded time," when the volume of human history shall be sealed up and delivered to the Omnipotent Judge. In all future time, on the recurrence of this day, I doubt not that the citizens of this republic will meet in solemn assembly to reflect on the life and character of Abraham Lincoln, and the awful, tragic event of April 14, 1865, — an event unparalleled in the history of nations, certainly unparalleled in our own. It is eminently proper that this House should this day place upon its records a memorial of that event.

The last five years have been marked by wonderful developments of individual character. Thousands of our people, before unknown to fame, have taken their places in history, crowned with immortal honors. In thousands of humble homes are dwelling heroes and patriots whose names shall never die. But greatest among all these great developments were the character and fame of Abraham Lincoln, whose loss the nation still deplores. His character is aptly described in the words of England's great Laureate, — written thirty years ago, — in which he traces the upward steps of

"Some divinely gifted man,
Whose life in low estate began
And on a simple village green;

"Who breaks his birth's invidious bar,
And grasps the skirts of happy chance,
And breasts the blows of circumstance,
And grapples with his evil star;

"Who makes by force his merit known
And lives to clutch the golden keys,
To mould a mighty State's decrees,
And shape the whisper of the throne;

"And, moving up from high to higher,
Becomes on Fortune's crowning slope
The pillar of a people's hope,
The centre of a world's desire."

Such a life and character will be treasured forever as the sacred possession of the American people and of mankind.

In the great drama of the rebellion there were two acts. The first was the war, with its battles and sieges, its victories and defeats, its sufferings and tears. That act was closing one year ago to-night, and, just as the curtain was lifting on the second and final act, the restoration of peace and liberty, — just as the curtain was rising upon new characters and new events, — the evil spirit of the rebellion, in the fury of despair, nerved and directed the hand of an assassin to strike down the chief character in both. It was no one man who killed Abraham Lincoln; it was the embodied spirit of Treason and Slavery, inspired with fearful and despairing hate, that struck him down, in the moment of the nation's supremest joy.

Sir, there are times in the history of men and nations, when they stand so near the veil that separates mortals from the immortals, time from eternity, and men from their God, that they can almost hear the beatings and feel the pulsations of the heart of the Infinite. Through such a time has this nation passed. When two hundred and fifty thousand brave spirits passed from the field of honor, through that thin veil, to the presence of God, and when at last its parting folds admitted the martyr President to the company of these dead heroes of the republic, the nation stood so near the veil that the whispers of God were heard by the children of men. Awestricken by His voice, the American people knelt in tearful reverence and made a solemn

covenant with Him and with each other, that this nation should be saved from its enemies, that all its glories should be restored, and, on the ruins of slavery and treason, the temples of freedom and justice should be built, and should survive forever.

It remains for us, consecrated by that great event, and under a covenant with God, to keep that faith, to go forward in the great work until it shall be completed. Following the lead of that great man, and obeying the high behests of God, let us remember that

> "He has sounded forth the trumpet that shall never call retreat;
> He is sifting out the hearts of men before His judgment-seat;
> O, be swift, my soul, to answer Him! be jubilant, my feet!
> Our God is marching on."

I move, sir, that this House do now adjourn.

THE TARIFF BILL OF 1866.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 10, 1866.

THE Morrill Tariff, enacted at the close of the Congressional session of 1860–61, greatly increased the duties on imported goods. This legislation was had partly to fill the depleted national treasury, but more especially to give protection to American industry. It marked a definite triumph of the protective principle. Subsidiary to this act, other legislation of the same general character was had from time to time, reaching to the close of the war. Now, it was said, there was a call for still higher protection. Accordingly, June 25, 1866, Mr. J. S. Morrill, the author of the former measure, now the chairman of the Committee of Ways and Means, reported from that committee a bill to provide increased revenue from imports, and for other purposes. The "other purposes" were greater protection. In vindicating the measure, Mr. Morrill said, June 28, that the war had greatly deranged the industrial and fiscal economy of the country. Immense masses of wealth had been destroyed, the producing power of the country much reduced, new industrial adjustments had been made, a vast debt had been created, and heavy burdens of taxation incurred. Nothing but heavier duties on imports would furnish the needed revenue, and enable American labor to compete with foreign labor. Mr. Garfield, who was a member of the Committee of Ways and Means, bore a prominent part in the discussion of the bill. This, his principal speech, was delivered on July 10, just before the vote was taken. In it he discusses for the most part general doctrines; his views on specific points must be sought in his briefer remarks and in his votes. In the House the bill was carried; in the Senate it was referred to the Finance Committee, and postponed to the next session. Then it came back to the House, greatly changed, where it finally failed to pass.

MR. SPEAKER, — At this late hour of the session, and after the protracted discussion in which so many gentlemen have engaged, I would not further trespass upon the patience

of the House but for the fact that this bill has been so gravely misrepresented here, and so unjustly assailed from without. There has been raised against it no small clamor for iniquities which it does not contain, and for omissions which have not been made.

This is not the time to enter into any elaborate discussion of those general principles which underlie the most complicated of financial subjects, the trade between the United States and other nations. The abstract theories of free trade and protection, as laid down in the books, can be of little practical value in the consideration of this bill. The disciples of either school would be puzzled to apply their doctrines to the present situation of our trade and commerce, as has been strikingly illustrated during the progress of this debate. There is scarcely a free-trader on this floor who has not, since this discussion began, in order to secure a higher duty on some product in which his constituents were interested, made use of arguments which met the hearty approval of the most extreme protectionists; and, on the other hand, when these same protectionists have been desirous of bringing into the country some article important to their people, we have heard them again and again defend their propositions by declarations which would bring down thunders of applause from an audience of free-trade leaguers.

There are two extremes of opinion in this House and in the country to which I cannot assent. During the past year I have been frequently solicited to subscribe publicly to the dogmas of various organizations based on opposite and extreme doctrines in relation to our financial policy; but I have steadily declined to do so, partly for the reason that I could not assent to all their articles of faith, and partly because I preferred to approach the questions on which we were to legislate untrammelled by any abstract theory, which, although apparently sound, might be impracticable when applied to the facts of our situation. I would not be misunderstood; nor for any political advantage to myself personally would I allow my constituents to suppose that I indorsed any doctrines which, though they should be pleasing to many of them, do not meet my own convictions of truth and duty.

If to be a protectionist is to adopt the practice which characterized the legislation of Great Britain and the leading nations

of Europe for more than two hundred years, and which is now commended to us by some of our political philosophers and statesmen, then I am no protectionist, and shall never be one. If to be a protectionist is to base our legislation upon the policy which led the Parliament of Great Britain, from the days of Elizabeth to the days of Charles II., to forbid the exportation of sheep and wool from the kingdom, under penalty of confiscation and imprisonment for the first offence, and torture and death for the second; which led the same Parliament in 1678 to pass a law entitled "An Act for the encouragement of woollen manufactures," that ordered every corpse to be buried in a woollen shroud; which led the Lord Chancellor to declare the necessity of going to war with Holland because the commerce of the Dutch was surpassing that of Great Britain; which led the diplomatists of England to insist on an article in the treaty of Utrecht of 1713, in accordance with which the finest harbor in Northern Europe was filled up and hopelessly ruined, lest by its aid the trade of France should eclipse that of England; which tortured industry in every imaginable way, and ignored all the great laws of value, of exchange, and of industrial growth; which cost England her North American colonies, and plunged Europe into more wars during the seventeenth and eighteenth centuries than all other causes combined; — if to be a protectionist means this, or anything fairly akin to this, then, I repeat, I am no protectionist. That policy, softened down in its outward manifestations, but essentially the same in spirit, is urged upon us now by those who would have us place so high a duty upon foreign merchandise as to prohibit the importation of any article which this country produces or can produce. By so doing, besides placing ourselves in an attitude of perpetual hostility to other nations, and greatly reducing our carrying trade, we should make monopolists of all the leading manufacturers of this country, who could fix the price of all their products at their own discretion.

If, on the other hand, we should adopt the theories of the radical free-traders, and declare that our tariff shall be all for revenue and nothing for protection, — and particularly, were we to put that doctrine in practice at such a time as in 1836, when we had no debt and a large surplus in the treasury to be given away, — no one can fail to see that we should break down the dikes which our predecessors had erected for the defence of

American industry, — should destroy or seriously cripple our manufactures, which produce nearly one half the annual income of our people (for the manufactured products of this country in 1860 were valued at $1,900,000,000), — should revolutionize our industrial system, and place ourselves at the mercy of foreign manufacturers. If to be a free-trader means all this, and pledges us to let the competition of the world come in upon our people, and thus to disjoint and derange the industrial system of the United States, then I am no free-trader, and can never be.

One of the worst features in our industrial system is the irregularity and uncertainty of the legislation in reference to the tariff. It subjects the business of manufacturing to the uncertainty of a lottery. If the prohibitionists succeed one year, the profits of manufacturers are enormous; if, as is quite probable, the reaction of the next year puts free-traders in power, the losses are equally great. Let either of these parties frame the tariff, and the result will be calamitous in the highest degree.

What, then, is the point of stable equilibrium, where we can balance these great industries with the most reasonable hope of permanence? We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers, by rendering it impossible for our manufacturers to compete with them; while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our market, would leave no check upon the prices which our manufacturers might fix upon their products. I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please. To this extent I am a protectionist. If our government pursues this line of policy steadily, we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection which leads to ultimate free trade. I am for that free trade which can be achieved only through protection.

I desire to call attention briefly to some of the fallacies and misrepresentations by which this bill has been assailed. In the

first place, it has been stated again and again that this is a New England measure, and repeated attempts have been made to arouse sectional jealousy based on that allegation. I affirm that this is not a New England measure, but that, more than any tariff ever framed by Congress, it protects and aids the agricultural interests of the country. If there has ever been an agricultural tariff, this is one.

Look at its provisions on the subject of wools. It is proposed to increase the duty on foreign competing wools from six cents per pound to ten cents per pound, and ten per cent *ad valorem*, making the total tariff about eleven and a half cents per pound. It takes two pounds of the mestiza wool of South America to equal one pound of our American wool. It is, therefore, a protection of twenty-three cents per pound on American wools of the finer qualities, which comprise the great bulk of our wool. Now, there is grown in the United States one hundred million pounds of wool per annum; and yet the gentleman from Iowa[1] tells us that, in consequence of the peculiarity of the climate and soil of South America, we can never compete with that country in the production of wool. In the same short speech the gentleman confuted himself by declaring that wool-growing was so profitable in Iowa that it did not need protection.

MR. KASSON. I beg leave to correct the gentleman. I said distinctly that, in the West, on the prairies and on the plains, where land is cheap, grass abundant, and the winters mild, we should ultimately be able to compete with the world.

Then what becomes of his praise of the superior advantages of South America? I did not so understand the gentleman. Now, sir, I am surprised that any Representative from the State of Ohio, where we have six million sheep and where we raise one fifth of all the wool in the United States, should be found to oppose this measure as being framed in the interest of New England.

Let me notice another agricultural feature of the bill. There are fifty ships trading constantly with Calcutta, bringing India flaxseed to our shores. In order to encourage the home growth, we have raised the duty on flaxseed from sixteen to thirty cents per bushel, and on linseed oil from twenty-three to thirty cents per gallon; yet gentlemen say this is a bill for New

[1] Mr. Kasson.

England. If there be any protection in any existing law more clearly in the interest of agriculture, I should be obliged to any gentleman if he will name it.

Now, I do not deny that there are some features of this bill which I desire to see changed. I believe we ought to reduce, and I believe we shall reduce, the proposed duty on several articles named. But if a dozen articles out of the hundreds named in the bill were somewhat reduced, I would be pleased if any gentleman here would then point out its supposed exorbitant features and alleged enormities. It is very easy to join in a general clamor which others have raised, but not so easy to state the cause of the outcry.

MR. FARQUHAR. I desire to ask the gentleman what, in his judgment, would be the effect of increasing the duty on railroad iron one hundred per cent, as it is increased by this bill, including the amount of deduction made by the Internal Revenue Bill, upon the great interests of the West, now largely engaged in the construction of additional railways.

I am willing, as a compromise and to favor the building of railroads, to vote for a reduction of the proposed duty on railroad iron, and I presume the Committee of Ways and Means will agree with me in this. I think we should also reduce the proposed duty on salt, and I have no doubt in several other particulars we shall be able to reduce the rate of duty.

MR. STEVENS. Why not at once come out honestly and accept the proposition of the gentleman from Iowa,[1] which is a much better and more ingenious one?

I will tell the gentleman why before I am done. The gentleman from Iowa[2] says we ought not to adopt the policy of protecting those industries of this country that we can make money at, and if the people cannot make money out of manufacturing enterprises, let them go into something more profitable. He says we can raise grain for the world without protective legislation. Let me repeat to him a little of the history of grain-raising in this country. There was a time when New England was a great grain-raising country. At a later period, New York was the granary of the New World. Later still, the granary was Pennsylvania, then Ohio; then it was still farther to the west. But what is the situation now? New England raises wheat enough

[1] Mr. Wilson. [2] Mr. Kasson.

to feed her people three weeks in the year; New York raises enough to feed her people six months; Pennsylvania just about enough to supply the wants of her people, with none to spare; and Ohio produces a surplus of three million bushels. You must now go to the prairies of the West before you reach the granary of this country. Now, I wish to say that this talk about putting our people wholly into the business of raising grain for the world is utterly absurd and mischievous. Let me put a practical question to these extreme free-trade gentlemen in reference to this matter. Suppose that to-day we were at war with the great powers of Europe, — suppose we had always been practising their precepts, and were engaged wholly in raising grain, — having no manufacturing establishments, as we should not have had but for the protection that has been accorded to that kind of industry by our predecessors, — should we not be completely at the mercy of the other nations of the earth? Edward Everett declared in a speech in 1831, after making a careful estimate, that the extra amount paid by the government of the United States for woollen blankets and clothing for their soldiers in the war of 1812 largely exceeded the amount of revenue ever derived by the United States from all its tariffs for the protection of all our industries from the foundation of the government to 1831; and that it would have effected a great saving to the government if Congress had expended many millions of money directly from the treasury before that war, and had built up and had in readiness these manufactories for the use of the government during the war.

Against the abstract doctrine of free trade, as such, very little can be said. As a theory, there is much to commend it; but it can never be applied to nations, except in time of peace. It can never be applied to the nations of the earth, except when they are on the same range of growth and culture. Let war come, and it utterly destroys and overturns the whole doctrine in its practical application. Says Prescott: —

"Nothing is easier than to parade abstract theorems, true in the abstract, in political economy; nothing harder than to reduce them to practice. That an individual will understand his own interests better than the government can, or, what is the same thing, that trade, if let alone, will find its way into the channels on the whole most advantageous to the community, few will deny. But what is true of all together is not true of any one singly; and no one nation can safely act on these prin-

ciples if others do not. In point of fact, no nation has acted on them since the formation of the present political communities of Europe. All that a new state, or a new government in an old one, can now propose to itself is, not to sacrifice its interests to a speculative abstraction, but to accommodate its institutions to the great political system of which it is a member. On these principles, and on the higher obligation of providing the means of national independence in its most extended sense, much that was bad in the economical policy of Spain at the period under review may be vindicated." [1]

The example of England has been held up before us. A word about that example. There is a venerable member in this hall who was a member of this House long before England had professed her free-trade doctrines, — while she was one of the most highly protective nations on the face of the earth. For two hundred years she pursued a policy that was absolutely prohibitory; then followed a protective period; now she professes free trade. When she had built up her manufactures, and had become able to compete successfully with the world in matters of commerce, she graciously invited all nations to drop their protective policy and become free-traders. It is like a giant or an athlete who, after months of training, asks all the delicate clerks and students to come out and fight or run with him on equal terms.

I have before me a statement of the revenues of Great Britain for the last year. Her total revenue was $354,000,000. Of this sum, $115,000,000, or thirty-two per cent, she raised from customs; and it is a remarkable fact that that is precisely the per cent of our revenue that was raised from customs last year. This shows that she raises as much by her tariff as we do by ours in proportion to the amount of our revenue. If gentlemen desire simply to prostrate us before England, if they desire to capitulate to her in commerce as we never have capitulated in arms, let them follow in the lead of these free-trade philosophers. I hold a pamphlet in my hand that was laid upon the desks of members this morning; and in reply to the question of my colleague,[2] Who in this country is demanding that this bill be defeated or postponed? I will tell him. Here is the address of the Free-Trade Association of London to the American Free-Trade League, and if I had time I would read a few

[1] Ferdinand and Isabella, Vol. I. p. 488 (Philadelphia, 1873).
[2] Mr. Delano.

extracts from it. Let me read you one of the headings: "Protection unnecessary to foster manufactures in their infancy." They have evidently outgrown their teachers, for John Stuart Mill admits that much. England never taught that doctrine until her manufactures had passed beyond their infancy, and stood breast-high with the world in the full vigor of manhood. I read a sentence from this disinterested lecture of Englishmen to Americans, — of the shopkeeper to his customer, — of the "nation of shopkeepers" to the nation of customers and grain-raisers that some gentlemen would have us become: "You have most truly remarked in your constitution that protection to the producer means robbery to the consumer." Now, the gentleman from Iowa[1] who has just made his speech proceeds upon the doctrine that protection is itself robbery; and of course he will vote against this bill, and against all other bills that propose to throw any protection whatever around American industry.

Two propositions are before the House to keep us from acting directly upon this bill. The real question is, Shall we pass the bill after the requisite amendments have been made? But, fearing it may pass, the gentleman from Iowa[2] picks out a few pleasant items that refer mainly to the West, with a sprinkling for the East, and asks us to have the bill sent back to the committee, with instructions to report those items alone. He offers a bait to one section of the Union to induce its representatives to neglect another.

Mr. Speaker, it is painful to listen to the sectional language that we hear every day in our debates. One gentleman sneers at New England, and says, "This measure is a New England pet"; another points at Pennsylvania, and hits her off in an epigrammatic sentence; another turns to the rough, sturdy West, and splinters his lance in a sharp assault upon her. I always understood, during the terrible struggle of the past four years, that we did not fight for New England, for Pennsylvania, or for the West, but we fought for the Union, with all its oneness, its greatness, and its glory. And if we are now to come back, after the victory is won, and hold up our party flags, and talk about "our section" as against "your section," we are neither patriots nor friends. There should be no division of interest in all great matters of national legislation. And if New

[1] Mr. Kasson. [2] Mr. Wilson.

England has advanced further than Pennsylvania or the West, and does not so much need protection, she must bear with her sisters until they, following in her footsteps, can stand on a basis of equal growth and prosperity. I hope, therefore, no such partial legislation as that suggested by the motion of the gentleman from Iowa will prevail. I should be ashamed to vote for a measure that singled out the interests of my own State and neglected the interests of others.

MR. WILSON. Permit me to correct the gentleman, for he is entirely mistaken in regard to the proposition I made. It does not pick out a few interests, but leaves a margin not exceeding twenty-five per cent on everything embraced in the bill.

I want to say in regard to the margin of twenty-five per cent, that nothing can be more absurd than to say that any one rate per cent shall be the limit put upon all articles, under any and all circumstances. And that reminds me of a point which I was about to forget. I wish to call the attention of the House to the reason why any revision of the tariff is needed at this time. The present tariff law was passed in 1864; gold was then at 200, and it rose during the year to 285. Our tariff was adjusted to that situation of the currency; and what would be highly protective then might give no protection now, or when gold shall be as low as it has been since this House met in session. That is the great trouble with us now. We are afloat without any fixed standard of value, and that which would be a proper duty to-day may be a high duty to-morrow and a low one next day. I greatly regret that we have not been able to reach nearer to the solid basis of specie, and base our currency and all our legislation upon some fixed standard. But while we are tossing as we now are, going up and down twenty and thirty per cent on gold in the space of a month, it is necessary that we have a tariff, temporarily at least, that will safely shield the interests of the country until we have passed the dangers and reached a more stable financial condition.

One other proposition has been submitted, and with a notice of that I will conclude. The gentleman from Massachusetts[1] proposes that the whole subject be laid over until another winter. For many reasons I should be glad if we could have more time to perfect the measure. It would be well if we could give two or three months of careful study to the problems connected

[1] Mr. Dawes.

with this bill. But gentlemen must remember that the chances and changes of the next five or six months may be disastrous to our industries, if we do not, before the close of this session, adopt some legislation to protect them against sudden danger. I am sorry, therefore, that my friend from Massachusetts saw fit to offer that proposition; it is really only another mode of killing the bill, and I can hardly believe that he desires such a result.

I hope, sir, that both the propositions to which I have referred will be voted down; that we shall amend the bill in several particulars, making it as equitable as possible in all its provisions; and that we shall pass it. And when the country comes to understand clearly what we have done, I believe that the clamor of which we have heard so much will cease, and that the wisdom of the measure will be vindicated.

NATIONAL POLITICS.

SPEECH DELIVERED AT WARREN, OHIO,

SEPTEMBER 1, 1866.

FELLOW-CITIZENS, — The great conflict of arms through which the nation has passed, the many and peculiar consequences resulting therefrom, and especially the new duties devolving upon the people, must, for the present and for many years to come, be the chief topics of political discussion. The stupendous facts of the Rebellion overshadow and involve all other political considerations, and the new problems arising out of the contest are beset with difficulties of unusual magnitude. The work of overcoming these difficulties and solving these problems has been committed by the good people of the United States to their representatives in the legislative, executive and judicial departments of the Federal government, and some progress has been made during the past year in overcoming them. I shall undertake to show you, my fellow-citizens, what progress the servants of the people have made in the discharge of these high duties. I shall speak of the progress made during the past year in, —

I. Our financial affairs;

II. Our military affairs;

III. The restoration of the States lately in rebellion.

First, our financial affairs. The pecuniary cost of the war was enormous, and without a parallel in history. It is impossible even to comprehend the sum expended. It can only be understood when compared with other expenditures. In the statements I shall make concerning the cost of the war, let it be remembered that I do not include the loss occasioned by the withdrawal of more than two millions of laborers from industrial pursuits, nor the vast sums expended by States, counties,

cities, and individuals in payment of bounties, and for the relief of sick and wounded soldiers and their families, nor the larger losses, which can never be estimated, of property destroyed by hostile armies. The cost of which I shall speak is that which appears on the books of the Federal Treasury.

For three quarters of a century the debt of Great Britain has been considered the financial wonder of the world. That debt, which had its origin in the Revolution of 1688, was swelled by more than one hundred years of wars, and other political disasters, till, in 1793, it had reached the sum of $1,268,000,000. From that time till 1815, a period of twenty-two years of terrible war, England was engaged in a life and death struggle with Napoleon, — the greatest war of history save our own, — and at its close, in 1815, she had added $3,056,000,000 to her debt, a sum which all the world thought must bring her to financial ruin. From the 30th of June, 1860, to the 30th of June, 1865, the expenditures of the government of the United States were more than $3,500,000,000; that is, in five years, we increased our debt $500,000,000 more than England increased hers in twenty-two years of her greatest war, — almost as much as she increased it in one hundred and twenty-five years of war.

But let us compare ourselves with ourselves. Our official records show that the total cost of our war of Independence was $135,000,000, and the total expenditure of the Federal government, from the meeting of the First Congress on the 4th of March, 1789, to June 30, 1860, was $2,015,000,000; making the total expenditures from the beginning of the Revolution in 1775 to the beginning of the Rebellion, $2,150,000,000. That is, the expenses of the last five years have been $1,350,000,000 more than all the previous expenses since the government was founded.

According to the census of 1860, the total value of all the real and personal property in the United States was sixteen billions of dollars; the cost of the war was more than three and a half billions, — that is, every one hundred and sixty dollars' worth of property became liable for the payment of thirty-five dollars of war expenses. Our debt is part of the money price which the nation pledged to save its existence, and we are bound by the sense of gratitude, of honor, and of patriotism to redeem that pledge, principal and interest, to the uttermost farthing. The loyal people have accepted the responsibility,

and cheerfully consent to bear the burden of such taxes as would hardly be endured by any other nation. Indeed, a leading English journal has recently declared that, if Parliament should impose a tax upon the English people as heavy as the one now paid by the people of the United States, it would cause a rebellion in that kingdom.

More than $800,000,000 of our expenses was paid by taxation while the war was in progress, and during the last fiscal year, besides paying our heavy annual expenses, we have reduced the debt $124,000,000; so that, on the 1st of August, 1866, our debt stood at $2,633,000,000. Should we be able to reduce it at the same rate hereafter, the last dollar of it would be paid in twenty-one years. Nearly all of this debt is held by citizens of the United States, who loaned their money to the government at a time when traitors were hoping, and faint-hearted friends were fearing, that our cause would be lost. It was a sublime and inspiring spectacle to see the loyal millions, from the wealthy capitalist to the day laborer, offering their substance as a loan to the government, when their only hope of return rested in their faith in the justice of our cause and the success of our arms. There were single days in which $25,000,000 was thus offered. Less than half the debt is now in long bonds, which have from fifteen to thirty-five years to run, but $1,600,000,000 will fall due within two years and a half. As they cannot be paid by taxation in so short a time, Congress at its last session passed a loan bill, authorizing the Secretary of the Treasury to retire these short bonds, and put out in their stead long bonds, if practicable, at a lower rate of interest. The bill, however, did not authorize any increase of the debt, but only an exchange of long bonds for short ones, which is now being effected.

Intimately connected with our public debt is our national currency. At the breaking out of the war, the currency of the country consisted of gold and silver, and the circulating notes of sixteen hundred banks, organized under the laws of the different States. The notes of these banks, not being based upon any uniform security, were of different relative value, and were always of less value as they were farther from home. Our paper-money system had become a grievous evil, for which there seemed to be no remedy. But the necessities of the war compelled the government to take some new step, and the oppor-

tunity was fortunately seized by our distinguished Secretary of the Treasury, Salmon P. Chase, to sweep away the vicious system of State banks, which had grown up in defiance of the plain declaration of the Constitution, that "no State shall emit bills of credit, or make anything but gold and silver coin a tender in payment of debts," and to substitute in its place our present circulation of greenbacks and national bank notes. When a citizen holds a dollar of this bank paper in his hand, he knows that there is one dollar and ten cents in government bonds locked up in the vaults of the treasury at Washington and pledged for its redemption, in case the bank should fail. This dollar is national, and not local. It is the same in Minnesota as in Maine.

But another and still more important advantage has been gained by the change in our system of currency. Under the old system, the general government had no control over the amount of currency in circulation. Each bank issued notes in accordance with the laws of the State in which it was organized. Now, it is a well-settled principle of finance, that no more money is needed in any country than just the amount necessary to effect the payments to be made in that country. If there be less than that amount, the money market is stringent, and exchanges are difficult; if there be more, the surplus causes a rise in prices, or, what is the same thing, a depreciation of the value of each dollar. By taking the control of the currency into its own hands, Congress was enabled to regulate the amount of circulation in accordance with the necessities of business.

The vast expenditures of the war required a large increase of the volume of the currency. Before the war, about three hundred millions of money was needed for the business of the country. Much of the time during the war, we had more than one thousand millions. Now that we are returning to the pursuits of peace, it becomes necessary to reduce the amount of our paper money, and thus bring prices down to the old standard. To determine whether there is too much currency in circulation is always difficult, but the best criterion is the price of gold. We may be certain that in times of peace, when there are no great disturbing political causes at work, if a paper dollar is worth much less than a gold dollar, there are many more paper dollars than the business of the country demands. Therefore, in the Loan Bill, Congress provides for a gradual contraction of the currency. Under the operation of that law,

and with a judicious management of our revenues, we may expect a gradual decline in gold, and a corresponding fall in prices, until we shall reach the solid basis of gold and silver. An uncertain and changeable standard of value is a great financial evil. If the dollar of to-day shall be worth a dollar and a half in six months from now, the debtor must pay fifty cents more than he promised; if in six months the dollar shall be worth that much less, the creditor would suffer a similar loss.

Here let me remark that, if the Democratic party, which holds to the extreme doctrine of State rights, should come into power, they would, without doubt, sweep away our national currency system, and return to the wretched system of State banks and State currency.

The maintenance of our national credit, and the ultimate redemption of our national debt, must depend mainly on a wise, just, but severe system of Federal taxation. Until the beginning of the late war, but one of the great nations of the earth was so lightly taxed as our own. We had not studied the science of taxation, because, happily, we had no need to do so. But the war brought the heaviest burdens upon our people, and when the Thirty-ninth Congress assembled, we found that many of our taxes were levied upon those branches of industry which were least able to bear them. Nearly all our revenues are derived from two sources, viz. the customs or tariff duties, and internal taxes. Congress made at the late session a thorough revision of the internal revenue system, and it is believed that many important improvements have been made. The provisions of the revenue law of July 13, 1866, are based upon the following general principles: —

1. Taxes which tend to discourage the development of wealth should be abolished or greatly reduced, and the law be so adjusted that the burdens shall chiefly fall on realized property.

2. Taxes should not be duplicated by taxing the different processes through which an article passes in being manufactured, but the tax should be laid upon the finished article when ready for sale.

3. Articles of prime necessity, like provisions, clothing, agricultural implements, should be nearly or quite exempt from taxation, and the public burdens should fall upon articles which minister to vice and luxury.

Guided by these general principles, and finding that the

ample revenues of the government would enable us to reduce the amount of taxation seventy-five millions, Congress proceeded to exempt entirely from taxation building materials, such as building stone, slate, marble, brick, tiles, window glass, paint, painter's colors, linseed oil and other vegetable oils, lime, and Roman cement; also repairs of all kinds; also agricultural implements and products, such as machinery for the manufacture of sugar, syrup, and molasses from sorghum, imphee, beets and corn, ploughs, cultivators, harrows, planters, seed drills, hand rakes, grain cradles, reapers, mowers, threshing machines, winnowing mills, corn shellers, and cotton gins; also such articles of prime necessity as gypsum, and fertilizers of all kinds, maple, beet, sorghum, and beet sugar, and molasses, vinegar, saleratus, starch, and soap valued at less than three cents per pound; also American steel and railroad iron; and, finally, all tombstones valued at less than $100, and all monuments, whether erected by public or private munificence, to commemorate the service of Union soldiers who fell in battle or died in the service. They reduced the tax on clothing and on boots and shoes from six per cent to two per cent; exempted milliners and dress-makers from tax, and exempted shoemakers and tailors the value of whose work exclusive of materials does not exceed one hundred dollars per annum. The tax on slaughtered animals, being a war tax, was repealed. Except cotton and tobacco, no agricultural product is now taxed at all. No license or special tax is now required of farmers, while all other pursuits and professions are required to pay such a tax, from ten to one thousand dollars, and more, in proportion to the amount of the business done.

As an illustration of the vicious system of duplication of taxes, it was found that by the time an American book was sold in the market there had been paid from twelve to fifteen separate taxes upon it. Each constituent part of the book — paper, cloth, leather, boards, thread, glue, gold-leaf, and type material — had paid a tax of from three to five per cent, and the finished article, when sold, had paid a tax of five per cent upon the selling price. The law was therefore so amended as to remove the tax from the separate parts and processes, and levy it on the finished product. On this principle the tax on mineral coal, pig-iron, and castings for parts of machinery, was repealed, and placed upon the machine when finished. The tax was removed from crude petro-

leum, and placed upon the refined article when ready for use. The tax on stoves and hollow ware for domestic use was reduced from six to three dollars per ton. That our educational forces might not be weakened, the tax on books, magazines, newspapers, printing paper, and all printing material, was greatly reduced. The heaviest taxes are now levied on distilled spirits, ale, beer, tobacco, cigars, refined petroleum, cotton, gas, carriages of high value, and gold and silver plate; but silver table ware used by any one family, not exceeding forty ounces, is exempt from tax. Fifty per cent of all our internal taxes are raised on manufactures. Stamp taxes, another very productive source of revenue, are nearly all paid by the business men of the country.

Our second source of revenue is the customs duties on imported goods, from which we realize about one third of all our revenues. A carefully revised tariff bill passed the House, but was postponed in the Senate till the next session. It provided for increased protection on American wool, linseed, tobacco and cigars, iron and steel, and the various articles manufactured from them. A bill was passed, however, which will indirectly effect a considerable increase of tariff duties. As the law before stood, the *ad valorem* duties on imports were levied on the price at which the articles were purchased in the foreign country, exclusive of cost of transportation to the seaboard and the port charges. Importers bought their goods far in the interior, and consequently paid the duty on a price much lower than the article could be bought for at the point of export. By the new law the duty is to be levied on the articles after all the transportation, storage, weighage, wharfage, and port charges have been added to the original purchase price. This will both increase the duties and protect the government against fraud.

On the general question of protection there are great extremes of opinion among the people of the United States, and these extremes appear in full strength among their representatives in Congress. One class would have us place so high a duty upon foreign merchandise as to prohibit the importation of any article which this country produces or can produce. Besides placing us in an attitude of perpetual hostility to other nations, and greatly reducing our carrying trade, this policy would tend to make monopolists of all the leading manufacturers of this country, who could fix the price of all their products at their own discretion.

If, on the other hand, we should adopt the theories of the radical free-trader, and declare that our tariff shall be all for revenue and nothing for protection, and particularly should that doctrine be put in practice at such a time as 1836, when we had no debt, and a large surplus in the treasury, no one can fail to see that we should break down the dikes which our predecessors have erected for the defence of American industries which produce nearly one half the annual income of the people. It would revolutionize our industrial system, and place us at the mercy of foreign manufacturers. Let either of these parties frame the tariff, and the result will be calamitous in the highest degree.

One of the worst features of our industrial system is the irregularity and the uncertainty of the legislation in reference to the tariff. It subjects the business of manufacturers to the uncertainty of a lottery. If the high protectionists succeed one year, the profits of the manufacturers are enormous; if, as is quite probable, the reaction of the next year puts free-traders in power, their losses are equally great. What, then, is the point of equilibrium where we can balance these great industries with the most reasonable hope of permanence? We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers, by rendering it impossible for our manufacturers to compete with them; while the other extreme school, by making it impossible for the foreigners to sell their competing wares in our market, would leave no check upon the prices which our manufacturers might fix upon their products. I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with foreign manufacturers, but not so high as to enable them to drive out foreign articles, enjoy a monopoly, and regulate the prices as they please. To this extent I am a protectionist. If our government pursues this line of policy steadily, we shall, year by year, approach more nearly the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for that protection which leads to ultimate free trade; I am for that free trade which can be achieved only through protection.

Secondly, our military affairs. When the Rebellion collapsed, in 1865, we had on the rolls of the army and in the pay

of the government over one million soldiers. A few weeks later a larger army than was ever actually engaged in one battle, with a rare perfection of discipline and completeness of military outfit, marched in review before the President and his Cabinet at Washington; mustered out of service, these soldiers quietly resumed the pursuits of peace, and mingled again with the mass of citizens. There had been in the field more than two millions of Union soldiers, of whom two hundred and fifty thousand perished in battle and by disease, and almost as many more came home nearly or quite disabled by the accidents of war. In January last the army had been reduced to one hundred and twenty-three thousand men, and Congress has now fixed its numbers for the future at about fifty-five thousand. In reorganizing the army, and adding new regiments, Congress has provided that all company officers needed to fill the places resulting from the increase of the regular army, and two thirds of the field officers, shall be taken from the volunteers, to be selected from officers or enlisted men, no distinction being made between them. But applicants must produce evidence of good character and capacity, stand an examination before a board, and show, in addition to their testimonials, that they have faithfully and efficiently served, either as officers or men, at some time during the war against the Rebellion. Congress has also provided that four regiments of infantry and two regiments of cavalry shall be colored men, and their officers shall be selected from those officers who commanded colored troops during the war. It is also provided that four regiments shall be made up of officers and enlisted men who received injuries while in the service of their country, but are still able to perform garrison duty and other light service.

The pension list has been largely increased, and the pensions of soldiers and sailors who have lost both arms or both legs have been doubled. No patriot will object to the increased burden imposed upon him in discharging his sacred duty to those heroic sufferers.

The legislation in reference to equalizing bounties was not so satisfactory. It was very desirable to pass some law by which the bounties to volunteers should be made to approach equality. A considerable portion of the army received no bounties, while others received large local, State, and national bounties. It is a difficult question to settle on any just basis without involving

the government in a dangerous increase of the public debt. After mature deliberation the Military Committee of the House brought in a bill which provided that every soldier who had received no bounty should be paid eight and one third dollars for every month of honorable service, which would be one hundred dollars for each full year. If he had received a bounty, but less than that amount, the government should pay him the deficit; so that every soldier in the Union army should receive a bounty of at least one hundred dollars for each year of honorable service. This bill passed the House by the unanimous vote of the Union members, but the Senate took no action upon it. Near the close of the session the Senate added to an appropriation bill a section increasing the pay of members of Congress. The House refused to concur, but added in place of that section the House Bounty Bill. The Senate refused to concur, but after several conferences between the two houses, a section was agreed upon which gives a bounty of one hundred dollars to every soldier who enlisted and served three years, and who has not already received more than one hundred dollars bounty, and a bounty of fifty dollars to every soldier who enlisted and served for the term of two years, and who has not already received a bounty of more than one hundred dollars. The operation of this section is confined exclusively to these two classes; it gives no more for four years' service than for three, and gives nothing to those soldiers who enlisted for a less term than two years. It is much less just than the House bill, and, since it was coupled with a section which increases the pay of members of Congress, I voted against both sections. They passed the House, however, by a majority of one, and became law. It is hoped and believed that the original House bill, or some equivalent measure, will become a law at the next session.

Although measures of financial and military legislation are worthy of the earnest attention of every citizen, I fear I have already dwelt too long upon them. I therefore invite your attention to the questions that so nearly concern our future peace, that form the great issues which must be settled by the ballots of the people at the coming election.

Thirdly, the restoration of the late Rebel States. For a clear understanding of the issues, let us consider the character of the contest through which we have passed.

The Rebellion had its origin in two causes; first, the political

theory of State Sovereignty, and second, the historical accident of American slavery. The doctrine of State Sovereignty, or State Rights as it has been more mildly designated, was first publicly announced in the Virginia Resolutions of 1798, but was more fully elaborated and enforced by Calhoun in 1830 and 1833. Since that time it has been acknowledged as a fundamental principle in the creed of the Democratic party, and has been affirmed and reaffirmed in some form in nearly all its State and national platforms for the last thirty years. That doctrine, as stated by Calhoun in 1833, is in substance this: "The Constitution of the United States is a compact to which the people of each State acceded as a separate and sovereign community; therefore it has an equal right to judge for itself as well of the infraction as of the mode and measure of redress." The same party identified itself with the interests of American slavery, and, lifting from it the great weight of odium which the fathers of the republic had laid upon it, became its champion and advocate.

When the party of freedom had awakened the conscience of the nation, and had gained such strength as to show the Democracy that slavery was forever checked in its progress, and that its ultimate extinction by legislative authority was foredoomed, the Democratic leaders of the South joined in a mad conspiracy to save and perpetuate slavery by destroying the Union. In the name of State Sovereignty they declared that secession was a constitutional right, and they resolved to enforce it by arms. They declared that, as the Constitution to which each State in its sovereign capacity *acceded* created no common judge to which a matter of difference could be referred, each State might also in its sovereign capacity *secede* from the compact, might dissolve the Union, might annihilate the republic. The Democracy of eleven slave States undertook the work. As far as possible, they severed every tie that bound them to the Union. They withdrew their representatives from every department of the Federal government; they seized all the Federal property within the limits of their States; they abolished all the Federal courts and every other vestige of Federal authority within their reach; they changed all their State constitutions, transferring their allegiance to a government of their own creation, styled the "Confederate States of America"; they assumed sovereign power, and, gathering up every possible element of force, assailed the Union in the most savage and

merciless war known to civilized nations. It was not, as some maintain, merely a lawless insurrection of individual traitors; it was "a civil territorial war," waged by eight millions of traitors, acting through eleven traitor States consolidated into a gigantic despotism of treason, — a government *de facto*, to which the laws of nations accorded belligerent rights. The Confederacy was acknowledged as a belligerent by all the leading nations of Europe, and at last by every department of the government of the United States; by the Supreme Court in the celebrated prize cases of 1862, and by repeated acts of both the executive and legislative departments.

Never was an issue more clearly made up or more desperately contested. The Confederates fought for slavery and the right of secession, for the destruction of the Union and the establishment of a government based on slavery; the loyal millions fought to destroy the Rebellion and its causes. They fought to save slavery by means of disunion; we fought to establish both liberty and union, and to make them one and inseparable now and forever. It was a life and death struggle between ideas that could no longer dwell together in the same political society. There could be no compromise, there could be no peace, while both were left alive. The one must perish if the other triumphed.

There was no compromise. The struggle was continued to the bitter end. In the larger meaning of the word, there was no surrender. The Rebels did not lay down their arms, for the soldiers of the Union wrenched them from their grasp. They did not strike their traitor flag; it was shot down by loyal bullets. The Rebel army never was disbanded; its regiments and brigades were mustered out by the shot and shell of our victorious armies. They never pulled down the Confederate government, but its blazing rafters fell amidst the conflagration of war, and its ashes were scattered by the whirlwind of battle.

And now, fellow-citizens, after the completest victory ever won by human valor, — a victory for the Union which was all victory and no concession, — after a defeat of the Rebels, which was all defeat and no surrender, — we are asked to listen to the astonishing proposition that this war had no results beyond the mere fact of victory. A great political party is asking the suffrages of the people in support of the unutterably atrocious assertion that these red-handed and vanquished traitors have

lost no rights or privileges by their defeat, and the victors have acquired no rights over traitors and treason as the fruit of their victory! These antediluvian philosophers seem to have turned down a leaf in the record of the life of the republic in April, 1861, and they propose now, in the year of grace 1866, to begin again where they ceased reading five years ago, as if there had been no crime, no treason, no deluge of blood, no overthrow of rebellion, no triumph of liberty. Fellow-citizens, who are the men that advocate this monstrous doctrine? I cannot answer this question without discussing freely the public conduct of the President of the United States.

For the first eight months after the collapse of the Rebellion, I did not hear that any man making the smallest claim to loyalty presumed to deny the right of the government to impose conditions upon the States and people lately in rebellion. Certainly the President did not. Both in his executive acts and in repeated declarations, he affirmed again and again the right of the government to demand security for the future, — to require the performance of certain acts on the part of the Rebel States as preliminary to restoration.

You will remember, fellow-citizens, that when I addressed you in the spring of 1865, shortly after the assassination of President Lincoln, I expressed the belief that Andrew Johnson would treat traitors with the severity their crimes demanded. There was a general apprehension that he might be too severe, and demand conditions so hard as to make the restoration of the Rebel States a work of great difficulty. It was said that he knew from personal experience what the Rebellion was, and what treatment treason deserved. The American people remembered his repeated declarations on this whole subject. They remembered his bold speech at Nashville, on the 9th of June, 1864, when he accepted the nomination for the Vice-Presidency, and used the following language: —

"Why all this carnage and devastation? It was that treason might be put down and traitors punished. Therefore, I say that traitors should take a back seat in the work of restoration. If there be but five thousand men in Tennessee loyal to the Constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of reorganization and reformation absolutely. I say that the traitor has ceased to be a citizen, and in joining the Rebellion has become a public enemy. He forfeited his right to vote with loyal men when he renounced his citizen-

ship and sought to destroy our government. . . . . My judgment is that he should be subjected to a severe ordeal before he is restored to citizenship. . . . . Ah! these Rebel leaders have a strong personal reason for holding out to save their necks from the halter; and these leaders must feel the power of the government. Treason must be made odious, and traitors must be punished and impoverished. Their great plantations must be seized and divided into small farms, and sold to honest, industrious men. The day for protecting the lands and negroes of these authors of the Rebellion is past."[1]

They remembered his speeches at Washington after his inauguration, in which the same sentiments were repeated. They remembered that in his address to Governor Morton and the Indiana delegation, on the 21st of April, 1865, six days after the pistol of Booth made him President of the United States, he said: —

"It is not promulgating anything that I have not heretofore said, to say that traitors must be made odious, that treason must be made odious, that traitors must be punished and impoverished. They must not only be punished, but their social power must be destroyed. If not, they will still maintain an ascendency, and may again become numerous and powerful; for, in the words of a former Senator of the United States, 'when traitors become numerous enough, treason becomes respectable.' And I say that, after making treason odious, every Union man and the government should be remunerated out of the pockets of those who have inflicted this great suffering upon the country. . . . . Some time the rebellion may go on increasing in numbers till the State machinery is overturned, and the country becomes like a man that is paralyzed on one side. But we find in the Constitution a great panacea provided. It provides that the United States (that is, the great integer) shall guarantee to each State (the integers composing the whole) in this Union a republican form of government. Yes, if rebellion had been rampant, and set aside the machinery of a State for a time, there stands the great law to remove the paralysis, and revitalize it, and put it on its feet again."[2]

It is true, however, that there were even then those who expressed doubts of his sincerity, and feared he would betray his trust. When, during the months of May, June, and July, 1865, they saw him appointing Provisional Governors for seven of the Rebel States, and ordering the assembling of conventions to form new constitutions and rebuild their State governments, many thought he should have called upon Congress to assemble and perform the duty enjoined upon it in the Constitution of

[1] McPherson's History of Reconstruction, pp. 46, 47, note. [2] Ibid., pp. 45, 46.

guaranteeing to every State in the Union a republican form of government. But the confidence of the people was kept alive by his repeated declarations to the Governors and conventions that his work was only provisional, and must all be submitted to Congress for its action.

On the 29th of May, 1865, he published his amnesty proclamation, and on the same day appointed William W. Holden Provisional Governor of North Carolina. In the proclamation of appointment he declared that whereas "the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government, ... and whereas the *Rebellion has in its revolutionary progress deprived the people of the State of North Carolina of all civil government*," he therefore appointed William W. Holden Provisional Governor, "with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of North Carolina to restore said State to its constitutional relations to the Federal government, and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor, and its people to protection by the United States."[1] On the same terms seven other Governors were appointed. On the 12th of September, the Secretary of State, by direction of the President, wrote to Governor Marvin, of Florida, a letter, which concluded in these words: "It must, however, be distinctly understood that the restoration to which your proclamation refers will be subject to the decision of Congress."[2]

But the confidence of the people did not rest solely upon the fact that the President held that all his work was provisional, and must be referred to Congress for its final settlement. Their confidence was still further strengthened by his repeated official declarations that guaranties must be demanded of the Rebel States before they could be restored to their practical relations to the Union.

On the 28th of October, the Secretary of State wrote to the Provisional Governor of Georgia as follows: "The President of the United States *cannot recognize* the people of any State as having resumed the relations of loyalty to the Union that admits as legal, obligations contracted or debts created in their name to promote the war of the Rebellion."[3]

[1] McPherson's History of Reconstruction, p. 11. [2] Ibid., p. 25.
[3] Ibid., p. 21.

On the 1st of November, he wrote to the Provisional Governor of Florida the following: "Your letter of October 7 was received and submitted to the President. He is gratified with the favorable progress toward reorganization in Florida, and directs me to say that he regards the ratification by the legislature of the Congressional Amendment [Thirteenth] of the Constitution of the United States as indispensable to a successful restoration of the true legal relations between Florida and the other States, and equally indispensable to the return of peace and harmony throughout the republic." [1]

On the 6th of November he wrote to the Provisional Governor of South Carolina these words: "Your despatch to the President, of November 4, has been received. He is not entirely satisfied with the explanations it contains. He deems necessary the passage of adequate ordinances declaring that all insurrectionary proceedings in the State were unlawful and void *ab initio*." [2]

In these utterances the President had plainly demanded at least three conditions indispensable to restoration: —

1st. That the Rebel States should declare their ordinances of secession void *ab initio*.

2d. That they should ratify the Constitutional Amendment abolishing slavery.

3d. That they should repudiate the Rebel debt, and that their whole conduct in the premises should be referred to Congress for its action.

But during the months of autumn there were rumors in the air which troubled the peace of patriotic citizens. It was whispered that the President was going over to our political enemies. It was observed that the tone of the Democratic and Rebel press had wonderfully changed toward him. From the beginning of the war till the summer of 1865, Southern traitors and Northern Democrats had vied with each other in their denunciation of his public acts, — of his political and private character. The Rebels had all along denounced him as a renegade, a traitor to his country, a low-born boor; while Northern Democratic journals, like the New York World, had denounced him as a turncoat, a tyrant, a boorish tailor, a drunken brute, less respectable than Nero's horse. But as the fall elections of 1865 approached, they began to speak of him as an old-fashioned Democrat who had not forgotten the lessons of his youth, and

[1] McPherson's History of Reconstruction, p. 25. [2] Ibid., p. 23.

who would yet turn his back upon the Union party, and return to the embrace of his former friends. The people were alarmed at these manifestations, but were somewhat reassured by the declarations of the President made to Major George L. Stearns on the 3d of October, when he said: —

"The power of those persons who made the attempt [at rebellion] has been crushed, and now we want to reconstruct the State governments and have the power to do it. The State institutions are prostrated, laid out on the ground, and they must be taken up and adapted to the progress of events. . . . . We must not be in too much of a hurry. It is better to let them reconstruct themselves than to force them to it; for if they go wrong the power is in our hands, and we can check them in any stage to the end, and oblige them to correct their errors. . . . . In Tennessee I should try to introduce negro suffrage gradually; first, those who have served in the army, those who could read and write, and perhaps a property qualification for others, say $200 or $250." [1]

When Congress met, in December last, there was great anxiety and no little alarm. From the first hour of the session, the little junto of Rebel sympathizers known as the Democratic party in Congress became the eulogists and defenders of the President. Their denunciations of the Union party echoed familiarly as of old through the halls of the Capitol; but their censures were turned to praises, their curses to blessings, when they spoke of the President elected by the Union party.

But even then we did not lose all our faith in Andrew Johnson. His annual message, though carefully worded, reiterated many of his former declarations, and the most radical men in Congress thanked him, and took new courage. In that message he said: —

"It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion; and that, on the other, the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. . . . . Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten." [2]

[1] McPherson's History of Reconstruction, p. 49. [2] Ibid., p. 65.

But hardly was the printer's ink dry on the pages of the message, when the President began to insist on the immediate admission of representatives from the Rebel States. In this demand he was clamorously seconded by the Democrats in Congress, by every Democratic orator and editor in the North, and by every Rebel of the South. Let it be remembered that the demand was made for months before even Andrew Johnson claimed that the Rebellion was legally ended. It was not until the 2d of April, 1866, that he declared by proclamation that the Rebellion had ceased in ten of the States; and even then he did not consider it ended in Texas. It was not until the meeting of the Philadelphia Convention, two weeks ago, that he declared the Rebellion suppressed in that State.

Who were those representatives for whom admittance into Congress was demanded? Of the eighty-seven elected from Rebel States, not ten ever made professions of loyalty. Fifteen had been generals or colonels in the Rebel army, or members of the Rebel Congress, or of Secession conventions.

The President did not long leave us in doubt. In his address to a Rebel delegation from Virginia, on the 10th of February, 1866, he intimated his purpose of uniting with them, and with them sweeping round the circle of the Union, and putting down certain Radicals, whose policy he denounced as "a rebellion at the other end of the line." On the 22d of February, he addressed a vast concourse of Northern Democrats, of Rebels in Confederate gray, and of Secession sympathizers who had never been out of their holes to bask in the sunshine of Presidential favor since Buchanan betrayed his country, all of whom had assembled to thank him for having refused to give military protection to the freedmen of the South. His utterances in that speech are only too well remembered; I shall not repeat them here.

Congress then undertook to extend the protection of the civil courts over the black loyalists. The President refused his signature, but your loyal representatives were able to pass it over his head. About the same time the men of Connecticut were struggling to elect, as their Governor, a gallant soldier who had fought for the Union with distinguished honor from the beginning to the end of the war. He was opposed by the whole strength of that Rebel-loving Democracy, headed by Eaton and Toucey, whose "bad eminence" is a part of the history of the

Rebellion. A Democratic member of the Thirty-eighth Congress was their candidate for Governor, and Andrew Johnson threw the weight of his great patronage into the scale, recommended the Federal office-holders to work for English, and sent a score of his new-found friends from Washington to urge the people to defeat the Union general. Thanks to the loyalty of the people of Connecticut, they were able to defeat both President and Democracy, and General Hawley was made Governor by a few hundred votes.

The true men of the Cabinet still remained in their places, in the faint hope that he might yet come back to the party. But Andrew Johnson was content with no half-way measure. He resolved on nothing less than the defeat and overthrow of the Union party. By the aid of a Senator and an ex-Governor of Wisconsin,[1] who had been repudiated by the loyal men of the State, a call was issued on the 27th of June for a general convention of those who would indorse the President, to meet in Philadelphia on the 16th of August. This call was indorsed by the forty-five Democratic members of Congress, including such patriots as Garrett Davis of Kentucky, Ross of Illinois, Rogers of New Jersey, and Finck and Le Blond of Ohio. When the Cabinet officers were asked to join in the movement, Dennison, Harlan, and Speed responded by denouncing the convention, and sending in their resignations.

The convention assembled in full force, and under rules as rigid and with order and harmony as perfect as ever obtained under the discipline of the Ohio penitentiary, it has given us the results of its labors in a decalogue of "principles" and an address of four newspaper columns, which must now be regarded as the latest version of the President's Rebel Democratic policy. To understand the policy which the nation is now invited to adopt, it will be necessary to examine somewhat the parties that composed and the purposes which inspired the Philadelphia Convention. Three classes made up the assemblage.

First, the unwashed, unanointed, unforgiven, unrepentant, unhung Rebels of the South. They were represented by such politicians as the Rebel Vice-President, lately called from the casements of Fort Warren by his admiring constituents, to represent them in the Senate of the United States; by such gallant generals as Dick Taylor, who, when his brigade had captured in

[1] J. R. Doolittle and A. W. Randall.

battle seven Union men that had escaped the rebel conscription in Louisiana, and had joined a Vermont regiment to fight for the Union, compelled them to dig their own graves, and then ordered them shot in his presence; by such clergymen as the Rev. Jesse B. Ferguson, who, years ago (possibly in anticipation of the wants of his brother Champ, lately hanged in Nashville for twenty Union murders) proclaimed a *post mortem* gospel, glad tidings for the dead and damned, — who gave the weight of his ministerial character to aid in the destruction of the Union, and now speaks touchingly of the "lost cause"; and last, but not least, by Governor Orr, who taught the blessed lesson that, if South Carolina would join the arm-in-arm embrace of Massachusetts, she must first slaughter twenty-five thousand sons of the Bay State. This first class formed the great, dumb, heroic element of the convention.

The second class was the dishonored, depraved, defeated remnant of Northern Democracy. The divine Fernando, the sainted martyr Vallandigham, the meek-eyed Rynders, and the patriotic H. Clay Dean were there, and their past distinguished services in the cause of their country were equalled only by the self-sacrificing spirit by which they preserved the harmony of the convention. The part played by the Democracy in the convention was a humble one. They could not have looked upon their brother delegates from the South without feelings of reverence and admiration for the heroism which led them to do battle in the field to sustain a cause for which they themselves had dared to do no more than speak and vote and pray.

Third, last and least, were all the apostate Union men who hunger and thirst after office and the spoils thereof, — who greedily gather up the crumbs that fall from the political table. This class was not the Lazarus of the convention, for though the Democracy did not hesitate to lick their sores and make them the chief managers, they still lacked the piety of the Jew. They are paupers, disinherited by the party of freedom, and are now begging their political bread from door to door. There were men whose presence in that convention was a painful surprise to their Union friends; men of whom higher and nobler things were expected; men who had served with honor in the army of the Union. Let us hope that, when they see the company into which they have fallen, they will remember the holy cause for which they have fought, and retrace

their unfortunate steps. Such was the convention and such the men by whom and through whom the President proposes to settle the great questions now pending before the nation.

And now let us examine its doctrines. The leading thought which inspired all the declarations of the convention was uttered by Alexander H. Stephens, late Vice-President of the Confederacy, and by Thomas Ewing, Vice-President of the Philadelphia Convention. Mr. Stephens said, in his evidence before a committee of Congress, given three months ago: "Georgia will accept no conditions of restoration. She claims to come back with her privilege of representation unimpaired." While the Philadelphia Convention was assembling, Mr. Ewing said: "Even in the heat and violence of the Rebellion, the States in which Rebel violence most prevailed were each and all of them, as States, entitled to their representation in the two Houses of Congress." This, I say, was the central thought in the convention, and even the accomplished acrobat of the New York Times, though he waded knee-deep in words through his four-column address, was not able to sink it out of sight. In their "declaration of principles" it is expressly affirmed that the war "left the rights and authority of the States free and unimpaired; that neither Congress nor the President has any power to question their right to representation." Planting themselves on this doctrine, they ask that the people elect to the Fortieth Congress only those who acknowledge the unqualified right of the Rebel States to immediate representation. They also ask the President to use his vast official patronage to secure this result.

Freighted with its proceedings, a committee of this mongrel convention repaired to Washington, and in the east room of the White House enacted the farce of delivering them to the President. He indorsed the doctrines of the convention, and then gave utterance to a sentiment so reckless and revolutionary as to create the profoundest alarm among loyal men. The Democratic and Rebel journals have for months been denouncing Congress as an illegal body, a revolutionary rump, and have demanded their dispersion by force. Alexander H. Stephens expressed the opinion that the acts of this Congress are illegal, because the Rebel States are not represented. Garrett Davis expressed the same opinion in the Senate, and appealed to the President to disperse it and recognize the Rebel and Democratic members as the Congress of the United States. But all these

suggestions were regarded as the insane ravings of men blinded by partisan fury. But here, in a speech made by appointment to a committee whose plans and purposes he not only knew, but had helped to form, Andrew Johnson used this language: "We have seen hanging upon the verge of the government, as it were, a body called, or which assumes to be, the Congress of the United States, while in fact it is a Congress of only a part of the States." Who is the "government" upon the "verge" of which the President declares the Congress of the United States "hangs" as an unlawful appendage? We had supposed that the government of the United States consisted of the supreme power of the people, vested in the legislative, judicial, and executive departments; but he speaks of the Thirty-ninth Congress as a body "called" or "assumed to be the Congress of the United States." If these words have any meaning, they mean that the President regards your Congress as an unlawful assembly; and if he has the courage to act up to his convictions, he will take the advice of his Rebel and Democratic friends and disperse it when it again convenes, as he and his Southern allies dissolved the New Orleans convention in blood. It is possible that we are to have a rebellion, not "on the other end of the line," but in the centre, — in the sacred citadel of the nation. It is possible that he intends to fulfil his promise to make treason "odious," by making himself the most conspicuous example of public treachery. Whatever be the President's meaning, the loyal people will not fail to remind him that he is not the controller of Congress, but the executor of the laws, and the same people who elevated him to his high place will, if justice and liberty require it, let fall on him a bolt of condemnation which will settle forever the question that Presidents are the servants, not the masters, of the American people.

And now let me examine the doctrine of the Philadelphia Convention, that "the war left the rights and authority of the Rebel States unimpaired." I meet this proposition with the undeniable fact, that, when the Confederacy fell, the authority of the Rebel States was not only "impaired," but utterly overthrown. I answer in the words of Andrew Johnson, "The Rebellion deprived North Carolina of all civil government"; and call attention to the fact, that he had appointed a provisional government "to aid in rebuilding a State government and restoring North Carolina to her constitutional relations to the

Union." I deny the assertion that representation is an inalienable right. I repudiate the atrocious doctrine that Rebels in arms are entitled to a voice in the government which they are fighting at the same time to destroy. While the Rebel army was in winter quarters recruiting for the next campaign, Lee and Johnston, Breckinridge and Bragg, Taylor and Forrest, might have taken seats in Congress, or if not these, then others who had never been brave enough to take such public part in the Rebellion as to prevent their taking the test oath; and then this might have added enough votes to the Democratic strength in the Thirty-eighth Congress to control the action of that body, and assure the success of the Rebellion.

I do not adopt the doctrine that the Rebel States were out of the Union; but I hold, in the language of Abraham Lincoln, that "by the Rebellion they destroyed their practical relations to the Union." They did not relieve themselves from their obligations to the Union, but by treason and war they forfeited their rights to life and property. It was for the victorious government to say what mercy should be extended, what rights should be restored.

It is the duty of the Congress of the United States, enjoined by the Constitution, "to guarantee to every State in this Union a republican form of government." For the correctness of this position, I appeal to the solemn decision of the Supreme Court in the case of the Dorr rebellion, in 1842.

"Under this article of the Constitution, it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government. . . . . Unquestionably, a military government, established as the permanent government of the State, would not be a republican government, and it would be the duty of Congress to overthrow it."[1]

I answer the doctrine of the Philadelphia Convention by the fact that the President demanded three preliminary conditions

[1] 7 Howard, 42, 45.

as indispensable to his recognition of the Rebel States to representation in Congress. He demanded, —

1st. That these States should declare all their acts of Secession void from the beginning.

2d. That they should ratify the Constitutional Amendment abolishing slavery.

3d. That they should repudiate all their debts contracted to support the Rebellion.

The Philadelphia Convention says that representation is an inalienable right, which the war did not impair. If this be true, the President is condemned for imposing conditions.

But it may be claimed that the three conditions have been complied with, that State governments have been established in all the eleven States, and that Congress should have recognized the fact. I answer that, with the single exception of Tennessee, not one of the constitutions of these States has been ratified by the people of the States, or even submitted to them. Can that be called a republican government of a State which was framed by a convention of pardoned Rebels under the dictation of a military governor and the commander-in-chief of the armies of the United States? But even if these governments were lawful and republican in every respect, have the conditions which the President demanded been so secured as to become "irreversible guaranties"?

It is said that the legislatures have repudiated the Rebel debts. May they not, a year hence, repeal the acts of repudiation? It is said that the Civil Rights Bill is now a law, and will give the freedmen adequate protection. Who does not know that the President who vetoed, and his Democratic allies who voted against the bill, will hasten to repeal it if they ever regain the power in Congress? We will accept no securities which are based solely on the promises of perjured traitors. We will accept as the basis of our future peace no mere acts or resolves of Rebel convocations or Rebel legislatures. The guaranties which the loyal millions of the republic demand as conditions of restoration must be lifted above the reach of traitors and Rebel States, and imbedded forever in the imperishable bulwarks of the Constitution; therefore, their loyal representatives in the Thirty-ninth Congress proposed an amendment to the Constitution, which, adopted by three fourths of the States, will make liberty and union secure for

the future. They have proposed that it shall be a part of the Constitution, —

1st. That no State shall deny any person within its jurisdiction the equal protection of the laws.

2d. That the representation of any State in Congress shall be determined by the ratio which the male inhabitants of such State, being twenty-one years of age and citizens of the United States, who are entitled by the laws thereof to vote, bears to the whole number of such citizens in the State. So that just in proportion as the right of suffrage is extended to the male citizens twenty-one years of age and citizens of the United States, or is restricted, shall the representation be increased or diminished.

3d. That no person shall hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as an officer of the United States, or a legislative, executive, or judicial officer of a State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two thirds of each House, remove such disability.

4th. The public debt of the United States shall never be repudiated, and the Rebel debt shall never be paid.

5th. Congress shall have power to enforce these provisions by appropriate legislation.

These propositions appeal to the common and moral sense of the nation, as every way worthy to become a part of our fundamental law. They are conditions with which any State lately in rebellion can comply without humiliation or disgrace; which no State, if sincere in its professions of returning loyalty, would hesitate to adopt. These conditions were cheerfully adopted by the loyal men of Tennessee, though the President, seconded by the Rebels in that State, made every possible effort to prevent it, and Congress immediately declared that State entitled to representation, and the members elect were admitted to their seats. These conditions embraced in the Constitutional Amendment, and proposed to the late Rebel States, form the Congressional policy. Whenever any other of the sinful eleven complies with the same conditions, it can come in as did Tennessee.

And now, fellow-citizens, the two policies are before you. It is for you to determine which shall be adopted as the basis of

restoration and peace. In the settlement of these great issues, you must vote with one of two parties, for there can be no third party. The President has joined the Democratic party, and that has joined with the Rebels of the South. The great Union party and its glorious army kept the two parties apart for four years and a half; we fired bullets to the front and ballots to the rear; we conquered them both in the field and at the polls; but now that our army is withdrawn, the two wings are reunited. They joined in Philadelphia, and Andrew Johnson is their leader. The great Union party now stands face to face with the motley crew. With which will you cast in your lot, fellow-citizens?

Remember the noble history of the Union party. No party ever had so proud a record. The Union party saved the republic from the most powerful and bloody conspiracy ever formed since Satan fell from heaven. It broke the shackles from the limbs of four million slaves, and redeemed the fair fame of the nation. It carried its arms to victory on a thousand battle-fields. It scattered every army that bore a Rebel banner. It has enrolled among its members the old Republican party of freedom; all the loyal Democrats who followed Douglas, or loved their country more than their party; all the soldiers who suffered and conquered. The two hundred and fifty thousand heroes who fell on the field of honor were Union men, and, could they rise from their bloody graves to-day, would vote with the Union party.

The Democratic party is composed of all who conspired to destroy the republic, and of all those who fought to make treason triumphant. It broke ten thousand oaths, and to its perjury added murder, starvation, and assassination. It declared through its mouthpieces in Ohio, in 1861, that if the Union men of Ohio should ever attempt to enter a Southern State to suppress the Rebellion by arms, they must first pass over the dead bodies of two hundred thousand Ohio Democrats. In the mid-fury of the struggle it declared the war a failure, and demanded a cessation of hostilities. In the Democratic party is enrolled every man who led a Rebel army or voluntarily carried a Rebel musket; every man who resisted the draft, who called the Union soldiers "Lincoln's hirelings," "negro worshippers," or any other vile name. Booth, Wirz, Harold, and Payne were Democrats. Every Rebel guerilla and jayhawker, every man who ran to Canada to avoid the draft,

every bounty-jumper, every deserter, every cowardly sneak that ran from danger and disgraced his flag, every man who loves slavery and hates liberty, every man who helped massacre loyal negroes at Fort Pillow, or loyal whites at New Orleans, every Knight of the Golden Circle, every incendiary who helped burn Northern steamboats and Northern hotels, and every villain, of whatever name or crime, who loves power more than justice, slavery more than freedom, is a Democrat and an indorser of Andrew Johnson.

Fellow-citizens, I cannot doubt the issue of such a contest. I have boundless faith in the loyal people, and I beseech you, by all the proud achievements of the past five years, by the immortal memories of the heroic dead, by the love you bore to the starved and slaughtered thousands who perished for their country and are sleeping in unknown graves, by all the high and holy considerations of loyalty, justice, and truth, to pause not in the work you have begun till the Union, crowned with victory and established by justice, shall enter upon its high career of freedom and peace.

RECONSTRUCTION.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES ON VARIOUS OCCASIONS.

THE scheme of Reconstruction proposed by the joint committee of the two houses consisted of the Fourteenth Amendment, and two bills, entitled, "A Bill to provide for restoring the States lately in Insurrection to their full Political Rights," and "A Bill declaring certain Persons ineligible to Office under the Government of the United States." The first of these bills proposed that whenever the Fourteenth Amendment should become part of the Constitution of the United States, and any State lately in insurrection should have ratified the same, and should have modified its Constitution and laws in conformity therewith, the Senators and Representatives from such State, if found duly elected and qualified, might after having taken the required oaths of office, be admitted into Congress as such. The other bill requires no analysis. Neither one of these bills was voted upon. Accordingly, the Fourteenth Amendment alone was the Congressional plan of reconstruction, in 1866; and, as Mr. Garfield states in several of his speeches, the State political campaigns of that year were conducted by the Republicans upon that platform.

In the mean time the Amendment had gone to the States for their action. When Congress met in December, 1866, this was the view presented: all of the Rebel States but Tennessee had rejected the Amendment; Delaware, Maryland, and Kentucky had likewise rejected it; twenty-one States had ratified it, and three had taken no action. The States lately in rebellion took their action, as Mr. Garfield says more than once, under the lead of President Johnson, and by the consent of the Democratic party. More than a year before, the States had been "reconstructed" according to the ideas of the President, and fully organized and equipped. State governments were now in existence and in operation in all those States.

The next step that the Republicans took was to bring forward and carry through Congress the so-called "Military Reconstruction Measures"; namely, "An Act to provide for the more efficient Government of the Rebel States," March 2, 1867, and the "Supplemental Recon-

struction Act," March 23, 1867. These acts, both of which were carried over the President's veto, swept away the so-called State governments in the ten States, divided them up into military districts, each under a general of the United States army, established a military government, and made the restoration of the States conditional upon the ratification of the Fourteenth Amendment, and the acceptance, so far as the ten States were concerned, of negro suffrage. These acts, together with the various supplemental acts passed from time to time, contain the plan upon which the reconstruction of the ten States was finally effected.

The Reconstruction Act proper, March 2, 1867, entitled, "An Act to provide for the more efficient Government of the Rebel States," having declared in its preamble that "no legal State government, or adequate protection for life or property, now exists in the Rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas," and that "it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established," went on to enact: (1.) "That said Rebel States shall be divided into [five] military districts and made subject to the military authority of the United States." (2.) That the President shall "assign to the command of each of said districts an officer of the army not below the rank of brigadier-general," to be supported by a sufficient military force. (3.) That it shall be the duty of said officer "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence," etc. (4.) That all persons put under military arrest shall "be tried without unnecessary delay, and no cruel or unusual punishment be inflicted." (5.) "That when the people of any one of said Rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, ... and when such constitution shall be ratified, ... and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article Fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State." (6.) "That until the people of said Rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only." Such was the framework of this law: the provisions concerning the qualifications of delegates and of electors

for delegates to the State conventions will be given after an analysis of the act of March 27.

The Supplemental Act prescribed the minor steps to be taken by the States in carrying out the plan. (1.) That by September 1, 1867, the general commanding in any district shall cause the qualified voters in the States composing his district to be registered. (2.) That in each State, after thirty days' public notice, "an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union." (3.) That the question of holding a convention, as well as the election of delegates, shall be submitted to the registered voters, and that a majority of those voting shall decide whether a convention shall be called or not, "*Provided*, that such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention." (4.) That if the vote be in the affirmative, the commanding general shall call the delegates together in convention within sixty days after the election, and said convention shall proceed to frame a constitution in harmony with the Reconstruction Acts, which constitution shall be submitted to the registered voters aforesaid for ratification. (5.) That if the constitution shall be ratified by a majority of those voting, "at least one half of all the registered voters voting upon the question of such ratification," said constitution shall be forwarded to the President of the United States, to be by him laid before Congress. (6.) That elections to carry out the act of March 2, 1867, shall be by ballot.

These were the cardinal features of the Supplemental Act. The other features need not be mentioned, further than to say that the whole machinery of conducting the elections — boards of registry, judges of elections, canvassing, and returns — was in the sole control of the general commanding. There was considerable further supplementary legislation on these subjects, partly to make plain what was obscure, partly to meet new situations. For instance, it having been found difficult in some cases to obtain the vote required on the question of calling a convention, it was provided, March 11, 1868, that this question should "be decided by a majority of the votes actually cast."

Such was the general reconstruction scheme as laid down in the Reconstruction Acts. It is necessary now to go back and inquire how these acts constituted the State conventions.

First, the Fourteenth Amendment, together with the act of March 2, fixed the qualifications of delegates to the constitutional convention. Section 3 of the amendment provided: "No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature.

or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability." And the act provided, "That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said Rebel States, nor shall any such person vote for members of such convention."

Second, the act of March 2, 1867, fixed the qualifications of electors for delegates to the conventions. The constitution in any State was to be "framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the Rebellion, or for felony at common law." Further, the classes described in the third section of the Fourteenth Amendment were disfranchised so far as these elections for delegates were concerned: "Nor shall any such person vote for members of such convention." They could be neither delegates nor electors of delegates. Still further, the commanding general in each district was required by the Supplemental Act of March 27, 1867, to "cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish of the State or States included in his district, which registration should include only those persons who are qualified to vote for delegates" by the act of March 2, "and who shall have taken and subscribed the following oath or affirmation: 'I, ——, do solemnly swear (or affirm), in the presence of Almighty God, that I am a citizen of the State of ——; that I have resided in said State for —— months next preceding this day, and now reside in the county of ——, or the parish of ——, in said State (as the case may be); that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the

best of my ability, encourage others so to do, so help me God.' " Again, according to the Supplemental Act, Section 4, only qualified electors for convention delegates could vote on the question of ratification, when the constitution was submitted to the people. " Said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act, at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, or hereinbefore provided," etc.

Third, the care of Congress did not stop even here. The act of March 2 expressly stipulated that the constitution framed in any State " shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates." (Sec. 5.) The basis of suffrage could be widened but not narrowed. More persons could be allowed to vote, but those now allowed could not be denied. The disfranchising features of the Reconstruction Acts need not be continued, but the grant of the ballot to non-disfranchised male citizens " twenty-one years old and upwards, of whatever race, color, or previous condition," could not be withdrawn. No one can mistake the meaning of this clause: Congress had now granted the elective franchise to the negro, and was determined that neither State convention nor State legislature should work an exclusion. Until a State should grant the ballot to the freedmen, it would not be admitted to representation in Congress, and would not be held reconstructed. But beyond all this, the acts to admit the States to representation in Congress (see June 22 and June 25, 1868) imposed upon them " the fundamental condition," that the constitution of no one of them " should ever be so changed as to undo what had been done in harmony with the above-recited provisions in respect to making the suffrage independent of race, color, or previous condition." Beyond this, it was impossible that national legislation should go. In the Rebel States, therefore, there was no need of the Fifteenth Amendment, so far as gaining the suffrage of the black man was concerned. Nor was there any need, for this purpose, of the second section of the Fourteenth Amendment, which looked to gaining the suffrage by indirection. Hence, from this point of view, the Fifteenth Amendment was superior to the Fourteenth and to the Reconstruction Acts in these particulars. The first put in the Constitution what the last put only in a simple statute; the first applied to all the States, the last only to those named in the preamble of the Reconstruction Act; the first did openly and directly what the last did in a roundabout manner. Except this guaranty to the colored man, the State conventions and legislatures were to manage the suffrage in their own way. Here it should be added that Congress paid no attention to President Johnson, who all the time was issuing proclamations of amnesty, and granting pardons in harmony with his proclamation of May 29, 1865. It should also be observed, that the disabilities imposed by the

Fourteenth Amendment could be removed only by the national legislature. "But Congress may, by a vote of two thirds of each house, remove such disability."

At various stages of the reconstruction legislation, Mr. Garfield made the remarks that are here brought together. On the 8th of February, 1867, he spoke as follows: —

MR. SPEAKER, — In the short time allowed me I can say very little. But I desire to call the attention of the House to two or three points which, in my judgment, stand out prominently, and which should control our action upon this measure.

And, first, I call attention to the fact that, from the collapse of the Rebellion to the present hour, the Congress of the United States has undertaken to restore the States lately in rebellion by co-operation with their people, and that our efforts in that direction have proved a complete and disastrous failure. We commenced, sir, by waiving nine tenths of all the powers we had over these people, and adopting a policy most merciful and magnanimous. It was clearly the right of the victorious government to indict, try, convict, and hang every rebel traitor in the South for his bloody conspiracy against the republic. In accordance with a law passed by the first Congress that met under the Constitution, and approved by Washington, we might have punished with death by hanging every Rebel of the South. We might have confiscated the last dollar of the last Rebel to aid in paying the cost of the war. Or, adopting a more merciful policy, we might have declared that no man who voluntarily went into the Rebellion should ever again enjoy the rights of a citizen of the United States. They forfeited every right of citizenship by becoming traitors and public enemies. What the conquering sovereign would do with them was for Congress to declare.

Now, with all these powers in its hands, Congress resolved to do nothing for vengeance, but everything for liberty and safety. The representatives of the nation said to the people of the South, "Join with us in giving liberty and justice to that race which you have so long outraged, make it safe for free loyal men to live among you, bow to the authority of our common country, and we will forgive the carnage, the desolation, the losses, and the unutterable woes you have brought upon the

nation, and you shall come back to your places in the Union with no other personal disability than this, — that your leaders shall not again rule us except by the consent of two thirds of both houses of Congress." That was the proposition which this Congress submitted at its last session; and I am here to affirm to-day that so magnanimous, so merciful a proposition has never been submitted by a sovereignty to rebels since the day when God offered forgiveness to the fallen sons of men.

The Fourteenth Amendment did not come up to the full height of the great occasion; it did not meet all that I desired in the way of guaranties to liberty; but if all the Rebel States had adopted it as Tennessee did, I should have felt bound to let them in on the terms prescribed for Tennessee. I have also been in favor of waiting, to give them full time to deliberate and act. They have deliberated; they have acted; the last one of the sinful ten has at last, with contempt and scorn, flung back into our teeth the magnanimous offer of a generous nation; and it is now our turn to act. They would not co-operate with us in rebuilding what they destroyed; we must remove the rubbish and rebuild from the bottom. Whether they are willing or not, we must compel obedience to the Union, and demand protection for its humblest citizen wherever the flag floats. We must so exert the power of the nation that it shall be deemed both safe and honorable to have been loyal in the midst of treason. We must see to it that the frightful carnival of blood now raging in the South shall continue no longer. We must make it possible for the humblest citizen of the United States — from whatever State he may come — to travel in safety from the Ohio River to the Gulf. In short, we must plant liberty on the ruins of slavery, and establish law and peace where anarchy and violence now reign. I believe, sir, the time has come when we must lay the heavy hand of military authority upon these Rebel communities, and hold them in its grasp till their madness is past, and until, clothed and in their right minds, they come bowing to the authority of the Union, and taking their places loyally in the family circle of the States.

Now, Mr. Speaker, I am aware that this is a severe and stringent measure. I do not hesitate to say that I give my assent to its main features with many misgivings. I am not unmindful of the grave suggestions of the gentleman from New York,[1]

[1] Mr. Raymond.

in reference to the history of such legislation in other countries and other ages; I remember, too, that upon the walls of imperial Rome a Prætorian guard announced that the world was for sale, and that the legions knocked down the imperial purple to the highest bidder; but I beg to remind the gentleman that this is not a proposition to commit the liberties of the republic into the hands of the military; it is a new article of war, commanding the army to return to its work of putting down the Rebellion, by maintaining the honor and keeping the peace of the nation. If the officers of our army should need such a suggestion, let them remember that no people on earth have shown themselves so able to pull down their idols as the American people. However much honored and beloved a man may be, if the day ever comes when he shows himself untrue to liberty, they will pluck him out of their very hearts, and trample him indignantly under their feet. We have seen this in the military history of the last five years, and in the political history of the last campaign.

Now, we propose for a short time to assign our army to this duty for specific and beneficent purposes; namely, to keep the peace until we can exercise the high functions enjoined upon us in the Constitution, of giving to these States republican governments based upon the will of the whole loyal people. The generals of our army enjoy in a wonderful degree the confidence of the nation; but if, for any cause, the most honored among them should lay his hands unlawfully upon the liberty of the humblest citizen, he would be trampled under the feet of millions of indignant freemen. We are not, as some gentlemen seem to suppose, stretching out helpless hands to the army for aid; we are commanding them, as public servants, to do this work in the interest of liberty.

I have spoken only of the general purpose of this bill. I now desire to say that I am not satisfied with the manner in which it is proposed to pass it through this House. I demand that it be opened for amendment, as well as for discussion. I will not consent that any one man or committee in this House shall frame a bill of this importance, and compel me to vote for or against it, without an opportunity to suggest amendments to its provisions. However unimportant my own opinions may be, other men shall not do my thinking for me. There are some words which I want stricken out of this bill, and some

limitations I want added. I at least shall ask that they be considered. I trust the gentleman who has the bill in charge will allow a full opportunity for amendment, and that the bill, properly guarded, may become a law.

ON the 12th of February, Mr. Garfield spoke as follows, in reply to Mr. Harding, of Kentucky: —

MR. SPEAKER, — I would not ask the further attention of the House upon this subject, were it not that I find myself very seriously misrepresented, here and elsewhere, in reference to my remarks on Friday last. I would not have the worst Rebel in the world suppose me capable of anything like malignity toward even him. I therefore take this occasion to contradict the representation made by the gentleman from Kentucky, (as I am informed, for I did not hear him myself,) that I had declared that, though I had hitherto been in favor of magnanimity toward the people of the South, I was now in favor of enforcing a bloodthirsty policy against them. I have never uttered such a sentiment. All that I did say was said directly and explicitly upon the single question of the Fourteenth Amendment as a basis of restoration. I did say the other day, and I say now, that if the amendment proposed at the last session of Congress had been ratified by all the States lately in rebellion, in the same way that Tennessee ratified it, and if those States had done all the other things that Tennessee did, I should have felt myself morally bound, (though it fell very far short of full justice and of my own views of good statesmanship,) and I believed the Thirty-ninth Congress would have been morally bound, to admit every one of the Rebel States on the same terms.

Many members know that I have been opposed to taking further decisive action until every Rebel State had had full opportunity to act upon the Amendment. Now that they have all rejected it, I consider their action as final, and say, as I said on Friday last, that that offer, as a basis of reconstruction, is forever closed so far as my vote is concerned. The time has come when we must protect the loyal men of the South; the time has come when fruitless magnanimity to rebels is cruelty

to our friends. No other victorious nation has ever so neglected its supporters. For a quarter of a century the British government gave special protection to the Tories of the American Revolution, paying them fifteen million dollars out of the royal treasury. What loyal man of any Rebel State, except Tennessee, has been honored or defended by the Federal government? It is a notorious fact, that it is both honorable and safe in the South to have been a Rebel, while it is both dangerous and disgraceful for a Southerner to have been loyal to the Union. Loyal men are every day perishing as unavenged victims of Rebel malignity. I desire to say, also, that I am in favor of placing these States under military jurisdiction only as a temporary measure of protection, until republican governments can be organized, based upon the will of all the loyal people, without regard to race or color.

Now, Mr. Speaker, as the gentleman from Kentucky volunteered to read me a lecture on bloodthirstiness, and reminded me of the sinfulness of human nature as represented in myself, I will volunteer a few suggestions and reflections to him and the party with which he acts. I remind the gentleman that his party and the President who leads it have had it in their power any day during the last twenty-two months to close the bleeding wounds of this grievous war, and restore the States lately in rebellion to their proper places in the Union. I tell that gentleman that if, on any one day during the war, he and his party had risen up and said, honestly and unanimously, "We join the loyal men of the nation to put down the Rebellion," the war would not have lasted a twelvemonth. The army never feared the enemy in its front; it was the enemy in the rear, with their ballots and plots against the Union and their sympathy with the Rebellion, which continued the war and wasted and desolated the land with blood and fire. That party is responsible for more of the carnage of the war than anybody else this side of the Rebels.

But, sir, the gentleman and his party have made a record since the war ended. If the Democratic party, with the President at its head, had, on any day since July last, advised the people of the South to accept the Fourteenth Amendment and come in as Tennessee did, it would have been done. I have information from a source entirely reliable, that but little more than one month ago Alabama was on the eve of accepting that

Amendment when a telegram from Washington dissuaded her from doing so and led her rashly to reject it. Of all men on earth the gentleman and his party have the least right to preach the doctrine of mercy to this side of the House. That mercy which smiles only on murder, treason, and rebellion, and has only frowns for loyalty and patriotism, becomes the gentleman and his party.

I cannot agree with all that has just been said by my friends on this side, that our own party in Congress have been so very virtuous and true to liberty. I cannot forget that we have learned very slowly; I cannot forget that less than four years ago the proposition to allow negroes any share in putting down the Rebellion was received with alarm in this hall and even on this side of the House. I cannot forget that less than five years ago I received an order from my superior officer in the army commanding me to search my camp for a fugitive slave, and if found to deliver him up to a Kentucky captain, who claimed him as his property; and I had the honor to be perhaps the first officer in the army who peremptorily refused to obey such an order. We were then trying to save the Union without hurting slavery. I remember, sir, that when we undertook to agitate in the army the question of putting arms into the hands of the slaves, it was said, "Such a step will be fatal, it will alienate half our army and lose us Kentucky." By and by, when our necessities were imperious, we ventured to let the negro dig in the trenches, but it would not do to put muskets into his hands. We ventured to let the negro drive a mule team, but it would not do to have a white man or a mulatto just in front of him or behind him; all must be negroes in that train; you must not disgrace a white soldier by putting him in such company. By and by some one said, "Rebel guerillas may capture the mules; so for the sake of the mules let us put a few muskets in the wagons and let the negroes shoot the guerillas if they come." So for the sake of the mules we enlarged the limits of liberty a little. By and by we allowed the negroes to build fortifications and armed them to save the earthworks they had made, — not to do justice to the negro, but to protect the earth he had thrown up. By and by we said in this hall that we would arm the negroes, but they must not be called soldiers nor wear the national uniform, for that would degrade white soldiers. By and by we said, "Let them wear the uniform, but they must

not receive the pay of soldiers." For six months we did not pay them enough to feed and clothe them; and their shattered regiments came home from South Carolina in debt to the government for the clothes they wore. It took us two years to reach a point where we were willing to do the most meagre justice to the black man, and to recognize the truth that —

"A man's a man for a' that."

It will not do for our friends on this side to boast even of the early virtues of the Thirty-ninth Congress. I remember very well, Mr. Speaker, during the last session, that forty of us tried to bring the issue of manhood suffrage before Congress. Our friends said, "You are impracticable; you will be beaten at the polls if you go before the people on that issue; make haste slowly." Let us not be too proud of what we did at the last session. For my part, I am heartily ashamed of our shortcomings and the small measure of justice we meted out to our best friends in the South.

But, sir, the hand of God has been visible in this work, leading us by degrees out of the blindness of our prejudices to see that the fortunes of the Republic and the safety of the party of liberty are inseparably bound up with the rights of the black man. At last our party must see that, if it would preserve its political life, or maintain the safety of the Republic, we must do justice to the humblest man in the nation, whether black or white. I thank God that to-day we have struck the rock; we have planted our feet upon solid earth. Streams of light will gleam out from the luminous truth embodied in the legislation of this day. This is the *ne plus ultra* of reconstruction, and I hope we shall have the courage to go before our people everywhere with "This or nothing" for our motto.

Now, sir, as a temporary measure, I give my support to this military bill, properly restricted. It is severe. It was written with a steel pen made out of a bayonet; and bayonets have done us good service hitherto. All I ask is, that Congress shall place civil governments before these people of the Rebel States, and a cordon of bayonets behind them.

ON the 18th of February, the House having under consideration the Military Reconstruction Bill, with the Senate amendments, providing for establishing civil governments in the Rebel States based upon manhood suffrage, Mr. Garfield spoke as follows: —

MR. SPEAKER, — The House will remember that I did what I could when this bill was first before us to secure an amendment which would open the way for restoring the Rebel States to their practical relations to the Union, whenever they should establish Republican governments based on manhood suffrage. By the votes of Democratic members, the Blaine Amendment failed here, but, by an almost unanimous vote, the Senate have added some well-considered sections, which effect the same object and make the bill more perfect than any yet proposed. It is not all I could wish, but as we are now within a few hours of the time when all the legislation of the Thirty-ninth Congress will be wholly in the power of the President, we are compelled to accept this or run the risk of getting nothing. Now what does this bill propose? It lays the hands of the nation upon the Rebel State governments, and takes the breath of life out of them. It puts the bayonet at the breast of every Rebel murderer in the South to bring him to justice. It commands the army to protect the life and property of citizens, whether black or white. It places in the hands of Congress absolutely and irrevocably the whole work of reconstruction.

With this thunderbolt in our hands shall we stagger like idiots under its weight? Have we grasped a weapon which we have neither the courage nor the wisdom to wield? If I were afraid of this Congress and the next, — afraid of my shadow, afraid of myself, — I would declaim against this bill as gentlemen around me have done. They have spoken vehemently, solemnly, sepulchrally, against it, but they have not done us the favor to quote a line from the bill itself to prove that it has any of the defects they charge. They tell us it proposes universal amnesty to Rebels, but I challenge them to find the shadow of that thought in the bill. They tell us it puts the State governments into the hands of Rebels. I deny it unless I am a Rebel and this is a Rebel Congress. They tell us it is a surrender to the President, because it directs him to detail officers to command the military districts. Mr. Speaker, I want this Congress to give its commands to the President. If he refuses to obey, the impeachment-hunters need make no further search for cause of

action. There may be abundant cause now, but disobedience to this order will place it beyond all question, — our duty to impeach him will be plain and imperative.

Mr. Speaker, there are some gentlemen here who live in a world far above my poor comprehension. They dwell with eagles, — on mountain peaks, — in the region of perpetual frost; and in that ethereal air, with purged vision, they discern the lineaments in the face of freedom so much more clearly than I do, that sometimes when I and other common mortals here have almost within our reach a measure which we think a great gain to liberty, they come down and tell us our measure is low and mean, — a compromise with the enemy and a surrender of liberty. I remember an example of this at the close of the last session. Many of us had tried in vain to put manhood suffrage into the Fourteenth Amendment; but all knew that the safety of the nation and the life of the Union party were bound up in the passage of that Amendment in the shape it finally assumed. At the last moment, when it was known that the Union party in this body had determined to pass it, the previous question was withheld to allow these exalted thinkers to denounce it as an unworthy, unstatesmanlike surrender. But the House passed it, the Senate concurred, and the people approved it by the most overwhelming majorities known in our political history.

The pending measure, Mr. Speaker, goes far beyond the Fourteenth Amendment, and in addition to other beneficent provisions it recognizes and secures forever the full political rights of all loyal men in the Rebel States, without distinction of race or color. If any gentleman can show me a greater gain to liberty in the last half-century, he will open a chapter of history which it has not been my privilege to read. But these sublime political philosophers regard it as wholly unworthy their high sanction.

Mr. Speaker, some of us are so irreverent as to begin to suspect that the real reason for opposing this bill is to be found in another direction. The distinguished gentleman from Pennsylvania [1] made a remark this morning which may explain his opposition. He complained that the Senate had forced upon us the question of reconstruction, which our bill did not touch. His course on this measure leads me to suspect that he does

[1] Mr. Stevens.

not desire to touch the question of reconstruction. For my part, I desire that these Rebel States shall be restored at the earliest moment that safety and liberty will allow. The American people desire reconstruction. At the beginning of the war the fiat of the nation went forth that the Union should not be destroyed, — that the Rebel States should be brought back to their places. To this end they fought and suffered; to this end they have voted and we have legislated. They demand that we delay reconstruction until it can be done in the interest of liberty. Beyond that they will tolerate no delay. Such a reconstruction is provided for in this bill. I therefore give it my cordial support.

ON the 17th of January, 1868, Mr. Garfield made the following remarks upon a bill introduced by Mr. Bingham, of Ohio, additional and supplemental to the Reconstruction Act of March 2, 1867. The bill passed the House, but never came to a vote in the Senate.

MR. SPEAKER, — I shall spend none of the few minutes given to me in discussing the constitutionality or propriety of the first section of this bill, which declares that the so-called State governments in ten of the rebellious States that were set up by the President without consent of the people thereof, and without the authority of Congress, are neither republican in form nor valid in law. Whatever may be the opinions of any gentlemen here, the doctrine involved in that section was decided by the Thirty-ninth Congress, and that decision was ratified by the people when the Fortieth Congress was elected. No political issue was more clearly defined or more decisively settled. Let me remind the House what that issue involved, and what was decided by the result.

The President and his followers held that, though the Rebellion had overthrown all civil government in the Rebel States, yet he, as the head of the Federal government, had set up new governments, which he deemed republican in form, and which were therefore entitled to representation in Congress. Congress denied the authority of the President to build State governments, and claimed that, by the decision of the Supreme Court, it was made the duty of Congress to provide for carrying into effect that clause of the Constitution which declares, "The

United States shall guarantee to every State in this Union a republican form of government." Congress decreed that, until the restoration shall be accomplished, the Rebel States shall be held in the military grasp of the Republic; and, in order to restore them at the earliest possible day, a law was passed enabling the loyal people to form governments and build again where rebellion had destroyed. Congress did not commit itself to the dogma that those States were out of the Union, but it proceeded upon the acknowledged fact that their civil governments were utterly destroyed and should be rebuilt. The Congressional plan and the President's plan were placed on trial before the people in the fall of 1866. That the verdict was against the Presidential and in favor of the Congressional plan, is witnessed by the relative strength of the two parties on this floor to-day. We are here to obey the people who sent us. The first section of this bill is but a repetition, in clearer language, of the law of the Thirty-ninth Congress. For all political purposes, therefore, the doctrine of the first section is settled, and the case is closed.

The only feature to which I desire to call the attention of the House this morning is the second section of the bill. This section makes it the duty of the General of the Army to assign such officers of the army as he may think best to the work of carrying out the reconstruction law. That work has heretofore been placed in the hands of the President. Here we are met at the threshold, by gentlemen on the other side, with the declaration that Congress has no power to assign the General of the Army and his subordinates to this duty, because of that clause of the Constitution which makes the President Commander-in-chief of the Army and Navy. I ask the attention of the House, for a few moments, to the consideration of this objection.

Under the laws of Great Britain the king is not only Commander-in-chief of the Army and Navy, but is empowered to make rules and regulations for the government of the land and naval forces of the realm. He can declare war and conclude peace. He is, therefore, in the full sense of the term, commander-in-chief. The Parliament controls him chiefly by its right to grant or withhold all supplies for the army and navy. When our fathers framed the constitution of government under which we live, they so far copied the British law as to declare that the President of the United States should be

the Commander-in-chief of the Army and Navy; but they proceeded to limit and restrict that grant of power by six distinct clauses in the Constitution, giving six distinct powers to Congress. These clauses are found in the first article, section eighth, and are as follows: —

"The Congress shall have power . . . .

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

"To provide and maintain a navy;

"To make rules for the government and regulation of the land and naval forces;

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

The power, therefore, which is conferred upon the President by the declaration of the Constitution that he is Commander-in-chief must always be understood with these limitations. Without the authority of Congress there can be no War Department, no army, no navy. Without the authority of Congress there can be no general of the army. Without the authority of Congress there can be no officers, high or low, in the army or navy of the United States. We therefore begin with these constitutional limitations of the President's authority as Commander-in-chief. Now, how has Congress used its power heretofore in reference to the army? In 1789, by an act approved August 7, Congress established a War Department, enacted laws to govern it, and from time to time thereafter established subordinate departments and bureaus in that department.

Let it be noticed, also, that another clause of the Constitution may be applied here. Congress may authorize the heads of departments to appoint inferior officers. It might have authorized the Secretary of War to appoint every officer of the army. It can do so now. It is plainly in our power to take every military appointment from the President, and place it solely in the hands of the Secretary of War. Congress did not

choose to take that course, but it did establish all the subordinate departments of the government, and prescribes the duties of officers in those departments.

By an act of Congress, approved May 22, 1812, the Quartermaster-General is authorized to appoint barrack-masters. Now, can the President appoint barrack-masters in contravention of that law? Congress conferred that power upon the Quartermaster-General, and the President, though Commander-in-chief, cannot exercise that function without usurpation. The same act requires quartermasters to give properly secured bonds before performing any of the duties of their appointment. Can the President legally order them to perform such duty before such bonds are given?

By a law of Congress approved April 10, 1806, it is declared that "the Judge-Advocate, or some person deputed by him or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States." Can the President of the United States prosecute an officer or private before a court-martial? He cannot, because Congress has conferred upon a subordinate officer of the army that power, and the President, though Commander-in-chief, cannot set it aside.

A friend near me says these are subordinates. I answer, that the General of the Army of the United States is also a subordinate. He is, to Congress, as subordinate as a judge-advocate, a quartermaster, or a barrack-master. It makes no difference how high his rank may be, he is none the less subordinate to Congress. The President is Commander-in-chief, but he must command in accordance with the Rules and Articles of War, — the acts of Congress.

I call attention to the oath that every officer and enlisted man takes before entering the army. It is in these words: "I do solemnly swear that I will bear true allegiance to the United States, ... and will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the army of the United States." Now, should the President of the United States give to the humblest officer of the army an order contrary to the Rules and Articles of War, or to any law of Congress, the subordinate can peremptorily refuse to obey, because the order has not been given in ac-

cordance with the rules and regulations of the power which commands both him and the President.

If Congress can make laws assigning special duties to subordinate officers, such as judge-advocates, quartermasters, and barrack-masters, what new doctrine is this that it may not also assign special duties to the General of the Army? The volumes of statutes are full of laws of Congress, commanding all classes of officers to perform all kinds of duties. It is now proposed to require of the General of the Army the performance of a special duty, — the duty of directing the operations of that part of the army which occupies the States lately in rebellion. If the general should neglect this duty, the President, as Commander-in-chief, can call him to account for such neglect, but he cannot prevent his obedience to the law.

I now come to inquire why this legislation is needed. It is because this Congress, in its work of restoring to their places the States lately in rebellion, authorized the President to assign the officers of the army to the duties prescribed in the law, and the President has made such use of that authority as to obstruct and delay the restoration of those States. Without violating the letter of the law, he has been able, in a great measure, to hinder its full and efficient execution. His acts and those of his advisers are to-day the chief obstacles to the prompt restoration of the Rebel States; and Congress proposes to remove those obstacles, by transferring this authority to the hands of one who has shown his loyalty to the country and his willingness to obey the laws of the Union.

Mr. Speaker, I will not repeat the long catalogue of obstructions which the President has thrown in the way, by virtue of the power conferred upon him in the reconstruction law of 1867; but I will allude to one example where he has found in a major-general of the army a facile instrument with which more effectually to obstruct the work of reconstruction. This case is all the more painful, because an otherwise meritorious officer, who bears honorable scars earned in battle for the Union, has been made a party to the political madness which has so long marked the conduct of the President. This general was sent into the district of Louisiana and Texas with a law of Congress in his hand, a law that commands him to see that justice is administered among the people of that country, and that no pretence of civil authority shall deter him from performing his duty; and

yet we find that officer giving lectures in the form of proclamations and orders on what ought to be the relation between the civil and military departments of the government. We see him issuing a general order, in which he declares that the civil power should not give way before the military. We hear him declaring that he finds nothing in the laws of Louisiana and Texas to warrant his interference in the civil administration of those States. It is not for him to say which should be first, the civil or the military authority, in that Rebel community. It is not for him to search the defunct laws of Louisiana and Texas for a guide to his conduct. It is for him to execute the laws which he was sent there to administer. It is for him to aid in building up civil governments, rather than to prepare himself to be the Presidential candidate of that party which gave him no sympathy when he was gallantly fighting the battles of the country.

Some of our friends say, since the President is the chief obstacle, remove him by impeachment. As the end is more important than the means, so is the rebuilding of law and liberty on the ruins of anarchy and slavery more important than the impeachment of Andrew Johnson. If, by placing the work in other hands, it can be done more speedily than through the slow process of impeachment, we shall so much sooner end the reign of chaos in the South. Let no man suppose that, because this House did not resolve to proceed with impeachment, it will abandon the loyal men of the South to the tender mercies of Rebels, or to the insane policy of the President and his party.

Mr. Speaker, the Union party will take no step backward in this work of reconstruction. The policy inaugurated by the Thirty-ninth Congress we are now carrying out. The State of Tennessee has already been restored to its relations to the Union. Alabama has prepared a constitution, and on the 4th of February her loyal people will vote to adopt or reject it; and before the middle of that month I expect to see her representatives occupying seats in these halls. Seven of the Rebel States are now holding conventions and framing constitutions of government in pursuance of the laws of Congress; and in the two remaining States, Florida and Texas, elections have been ordered, and the people will soon vote for or against a convention. The work is going on; and, if there be no adverse action to thwart it, before another twelvemonth we shall see most,

if not all, of these States completely restored. Who now is opposing it? Gentlemen upon the other side are manifestly arrayed with the President in endeavoring to obstruct the work of reconstruction; and without charging upon them Rebel sympathies, or imputing to them any improper motives, I do say that their conduct is pleasing to every unrepentant and unhanged traitor in the South. The whole mass of the Rebel population are in favor of obstructing the reconstruction policy of Congress. There is not a man who went into rebellion against the government, not a guerilla who shot down our wounded soldiers in ambulances, not a man that burned our cities and steamboats, not a man that starved our prisoners, not a man who aided in the assassination of our President, not a Rebel, from one end of the country to the other, who is not to-day in sympathy with this party in Congress in its attempts to obstruct and defeat the reconstruction policy of Congress.

With such a combination against us, does any one suppose that we can take one step backward, — much less, that we will permit an officer of our army to fling back in our faces his contempt of the law, and tell us what policy shall be adopted? It was reported in the public papers only yesterday, that the Governor of Texas had informed General Hancock that murderers in Texas could not be punished by the civil law. Yet this general sends back word to the Governor of Texas, that he does not wish to interfere in any civil matters. Sir, he was sent down there for the very purpose of interfering in such matters as the non-punishment of murderers.

THE first two paragraphs of Mr. Garfield's remarks on the bill admitting Georgia to representation in Congress, made in the House, June 24, 1870, are also given.

MR. SPEAKER, — I have been a listener for the last two years to what has been said on the subject of reconstruction, and during that time have rarely taken a part in these debates. We have now reached a critical period in our legislation, when we are called upon to perform the final act, — to complete, for better or for worse, the reconstruction policy of the government.

I have followed the remarks of my colleague from Ohio,[1] as well as those of other gentlemen, and I confess that any attempt at reconciling all we have done on the subject of reconstruction so as to form consistent precedents for any given theory of legislative action is, to my mind, a failure. There are no theories for the management of whirlwinds and earthquakes. There are no precedents for any of the great and sudden evils of society which are themselves unprecedented.

While on the whole the historian will be able to trace a general line of conduct not altogether inconsistent with itself, during the last five or six years of our legislation on this subject, I think he will find many anomalies in the course of that history. For my part, I have never admitted the doctrine of State suicide. I opposed that doctrine in 1864; I opposed it again in 1866, at a time when it was popular here and in the other end of the Capitol; and I am glad to know the settled policy of the country has at last also condemned it. While we did not as a nation admit the doctrine that States, by rebellion, could go out of the Union and set themselves up as independent States except by successful revolution, the nation nevertheless held and asserted that, under the Constitution, we had the amplest power to coerce by arms, and then to restore to its place in the Union, any State that chose to destroy its organization, and rebel against the government of the United States. In the exercise of those high constitutional functions, we first put down the Rebellion, and have since been setting up, one by one, the shattered pillars of these States which the Rebellion attempted to demolish, and thus to destroy the noble structure of the Union. It is now in our hands to determine how Georgia, the last of the Rebel States, shall be restored to her place in the great temple of States.

[1] Mr. Bingham.

COLLEGE EDUCATION.

ADDRESS DELIVERED BEFORE THE LITERARY SOCIETIES OF HIRAM COLLEGE, HIRAM, OHIO.

JUNE 14, 1867.

IN the course of the school year 1866–67, the Trustees of the Western Reserve Eclectic Institute, at which Mr. Garfield had prepared for college, of which he was Principal from 1857 to 1861, and of which he was now a Trustee, took steps to clothe the institution with the powers and responsibilities of a college with its present name, Hiram College. The transition was effected at the close of that year. The occasion was recognized by the delivery of the following address. The facts now stated — the change of the character and name of the school, and the adoption of a new course of study — will explain some of Mr. Garfield's remarks, especially towards the close of the address.

GENTLEMEN OF THE LITERARY SOCIETIES, — I congratulate you on the significant fact, that the questions which most vitally concern your personal work are at this time rapidly becoming, indeed have already become, questions of first importance to the whole nation. In ordinary times, we could scarcely find two subjects wider apart than the meditations of a schoolboy, when he asks what he shall do with himself, and how he shall do it, and the forecastings of a great nation, when it studies the laws of its own life, and endeavors to solve the problem of its destiny. But now there is more than a resemblance between the nation's work and yours. If the two are not identical, they at least bear the relation of the whole to a part.

The nation, having passed through the childhood of its history, and being about to enter upon a new life, based on a fuller recognition of the rights of manhood, has discovered that liberty

can be safe only when the suffrage is illuminated by education. It is now perceived that the life and light of a nation are inseparable. Hence the Federal government has established a National Department of Education, for the purpose of teaching young men and women how to be good citizens.

You, young gentlemen, having passed the limits of childhood, and being about to enter the larger world of manhood, with its manifold struggles and aspirations, are now confronted with the question, "What must I do to fit myself most completely, not for being a citizen merely, but for being all that doth become a man living in the full light of the Christian civilization of America?" Your disinthralled and victorious country asks you to be educated for her sake, and the noblest aspirations of your being still more imperatively ask it for your own sake. In the hope that I may aid you in solving some of these questions, I have chosen for my theme on this occasion, The Course of Study in American Colleges, and its Adaptation to the Wants of our Time.

Before examining any course of study, we should clearly apprehend the objects to be obtained by a liberal education. In general, it may be said that the purpose of all study is twofold, — to discipline our faculties, and to acquire knowledge for the duties of life. It is happily provided in the constitution of the human mind, that the labor by which knowledge is acquired is the only means of disciplining the powers. It may be stated as a general rule, that if we compel ourselves to learn what we ought to know, and use it when learned, our discipline will take care of itself. Let us, then, inquire, What kinds of knowledge should be the objects of a liberal education?

Without adopting in full the classification of Herbert Spencer,[1] it will be sufficiently comprehensive for my present purpose to name the following kinds of knowledge, stated in the order of their importance: —

First. That knowledge which is necessary for the full development of our bodies and the preservation of our health.

Second. The knowledge of those principles by which the useful arts and industries are carried on and improved.

Third. That knowledge which is necessary to a full comprehension of our rights and duties as citizens.

[1] Education, Intellectual, Moral, and Physical, Chap. I., "What Knowledge is of most Worth?"

Fourth. A knowledge of the intellectual, moral, religious, and æsthetic nature of man, and his relations to nature and civilization.

Fifth. That special and thorough knowledge which is requisite for the particular profession or pursuit which a man may choose as his life-work after he has completed his college studies.

In brief, the student should study himself, his relations to society, to nature, and to art; and above all, in all, and through all these, he should study the relations of himself, society, nature, and art, to God, the author of them all.

Of course it is not possible, nor is it desirable, to confine the course of development exclusively to this order; for truths are so related and correlated that no department of the realm of Truth is wholly isolated. We cannot learn much that pertains to the industry of society, without learning something of the material world, and the laws which govern it. We cannot study nature profoundly without bringing ourselves into communion with the spirit of art, which pervades and fills the universe. But what I suggest is, that we should make the course of study conform generally to the order here indicated; that the student shall first study what he most needs to know; that the order of his needs shall be the order of his work.

Now, it will not be denied that, from the day when the child's foot first presses the green turf till the day when, an old man, he is ready to be laid under it, there is not an hour in which he does not need to know a thousand things in relation to his body, — what he shall eat, what he shall drink, and wherewithal he shall be clothed. Unprovided with that instinct which enables the lower animals to reject the noxious and select the nutritive, man must learn even the most primary truth that ministers to his self-preservation. If parents were themselves sufficiently educated, most of this knowledge might be acquired at the mother's knee; but, by the strangest perversion and misdirection of the educational forces, these most essential elements of knowledge are more neglected than any other.

School committees would summarily dismiss the teacher who should have the good sense and courage to spend three days of each week with her pupils in the fields and woods, teaching them the names, peculiarities, and uses of rocks, trees, plants, and flowers, and the beautiful story of the animals, birds, and

can be safe only when the suf… beauty. They will
It is now perceived that th… that undefended and
arable. Hence the Feder… ysical and intellectual
tional Department of … silence, in a vain attempt
young men and wom… printed page, for six hours
You, young gentl… he finished his slaughter of
and being about t… ractice kills by the savagery
manifold strug…
question, "W… ected to study? Besides the mass
for being a … ich he is compelled to memorize, not
a man liv… derstands, at eight or ten years of
Ameri… English grammar, — one of the most
to be… metaphysical of studies, requiring a
br… se and discipline to master it. Thus are
l… al worse than squandered — those thrice
… the child is all ear and eye, when its eager
… curiosity, hungers and thirsts to know the
… of the world and its wonderful furniture. We
… clamor by cramming its hungry mind with
… empty, meaningless words. It asks for bread,
… a stone. It is to me a perpetual wonder that
… love of knowledge survives the outrages of the
… It would be foreign to my present purpose to
… ther the subject of primary education; but it is wor-
… profoundest thought, for "out of it are the issues of
… that man will be a benefactor of his race who shall teach
… how to manage rightly the first years of a child's education.
… declare that no child of mine shall ever be *compelled*
… study one hour, or to learn even the English alphabet, before
he has deposited under his skin at least seven years of muscle
and bone.

What are our seminaries and colleges accomplishing in the way of teaching the laws of life and physical well-being? I should scarcely wrong them were I to answer, Nothing, — absolutely nothing. The few recitations which some of the colleges require in anatomy and physiology unfold but the alphabet of those sciences. The emphasis of college culture does not fall there. The graduate has learned the Latin of the old maxim, *Mens sana in corpore sano;* but how to strengthen the mind by the preservation of the body, he has never learned. He can read you in Xenophon's best Attic Greek, that Apollo flayed

the unhappy Marsyas, and hanged up his skin as a trophy; but he has never examined the wonderful texture of his own skin, or the laws by which he may preserve it. He would blush, were he to mistake the place of a Greek accent, or put the ictus on the second syllable of Æolus; but the whole circle *liberalium artium*, so pompously referred to in his diploma of graduation, may not have taught him, as I can testify in an instance personally known to me, whether the *jejunum* is a bone, or the *humerus* an intestine. Every hour of study consumes a portion of his muscular and vital force. Every tissue of his body requires its appropriate nourishment, the elements of which are found in abundance in the various products of nature; but he has never inquired where he shall find the phosphates and carbonates of lime for his bones, albumen and fibrine for his blood, and phosphorus for his brain. His chemistry, mineralogy, botany, anatomy, and physiology, if thoroughly studied, would give all this knowledge; but he has been intent on things remote and foreign, and has given little heed to those matters which so nearly concern the chief functions of life. Yet the student should not be blamed. The great men of history have set him the example. Copernicus discovered and announced the true theory of the solar system a hundred years before the circulation of the blood was known. Though from the heart to the surface, and from the surface back to the heart of every man of the race, some twenty pounds of blood had made the circuit once every three minutes, from the creation of the first man, yet men were looking so steadily away from themselves that they did not observe the wonderful fact. Man's habit of thought has developed itself in all the courses of college study.

In the next place, I inquire, What kinds of knowledge are necessary for carrying on and improving the useful arts and industries of civilized life? I am well aware of the current notion that these muscular arts should stay in the fields and shops, and not invade the sanctuaries of learning. A finished education is supposed to consist mainly of literary culture. The story of the forges of the Cyclops, where the thunderbolts of Jove were fashioned, is supposed to adorn elegant scholarship more gracefully than those sturdy truths which are preached to this generation in the wonders of the mine, in the fire of the furnace, in the clang of the iron-mill, and the other innumerable industries which, more than all other human agencies, have made our civil-

ization what it is, and are destined to achieve wonders yet undreamed of. This generation is beginning to understand that education should not be forever divorced from industry, — that the highest results can be reached only when science guides the hand of labor. With what eagerness and alacrity is industry seizing every truth of science, and putting it in harness! A few years ago, Bessemer, of England, studying the nice affinities between carbon and the metals, discovered that a slight change of combination would produce a metal possessing the ductility of iron and the compactness of steel, and which would cost but little more than common iron. One rail of this metal will outlast fifteen of the iron rails now in use. Millions of capital are already invested to utilize this thought of Bessemer, which must soon revolutionize the iron manufacture of the world.

Another example. The late war raised the price of cotton and paper made of cotton rags. It was found that good paper could be manufactured from the fibre of soft wood; but it was expensive and difficult to reduce the wood to pulp, without chopping the fibre in pieces. A Yankee mechanic, who had learned from the science of vegetable anatomy that a billet of wood is composed of millions of hollow cylinders, many of them so small that only the microscope can reveal them, and having learned also the penetrative and expansive power of steam, wedded these two truths in an experiment, which, if exhibited to Socrates, would have been declared a miracle from the gods. The experiment was very simple. Putting his block of wood in a strong box, he forced into it a volume of superheated steam, which made its way into the minutest pore and cell of the wood. Then, through a trap-door suddenly opened, the block was tossed out. The outside pressure being removed, the expanding steam instantly burst every one of the million tubes; every vegetable flue collapsed, and his block of wood lay before him a mass of fleecy fibre, more delicate than the hand of man could make it.

Machinery is the chief implement with which civilization does its work; but the science of mechanics is impossible without mathematics. But for her mineral resources England would be only the hunting-park of Europe, and it is believed that her day of greatness will terminate when her coal-fields are exhausted. Our mineral wealth is a thousand times greater than hers; and yet, without the knowledge of geology, mineralogy, metallurgy,

and chemistry, our mines can be of but little value. Without a knowledge of astronomy, commerce on the sea is impossible; and now, at last, it is being discovered that the greatest of all our industries, agriculture, in which three fourths of all our population are engaged, must call science to its aid, if it would keep up with the demands of civilization. I need not enumerate the extent and variety of knowledge, scientific and practical, which a farmer needs in order to reach the full height and scope of his noble calling.

And what has our American system of education done for this controlling majority of the people? I can best answer that question with a single fact. Notwithstanding there are in the United States one hundred and twenty thousand common schools and seven thousand academies and seminaries, — notwithstanding there are two hundred and seventy-five colleges where young men may be graduated as bachelors and masters of the liberal arts, — yet in all these the people of the United States have found so little being done or likely to be done, to educate men for the work of agriculture, that they have demanded, and at last have secured from their political servants in Congress, an appropriation sufficient to build and maintain, in each State of the Union, a college for the education of farmers. This great outlay would have been totally unnecessary, but for the stupid and criminal neglect of college, academic, and common-school boards of education to furnish that which the wants of the people require. The scholar and the worker must join hands, if both would be successful.

I next ask, What studies are necessary to teach our young men and women the history and spirit of our government, and their rights and duties as citizens? There is not now, and there never was on this earth, a people who have had so many and weighty reasons for loving their country, and thanking God for the blessings of civil and religious liberty, as our own. And yet seven years ago there was probably less strong, earnest, open love of country in the United States than in any other nation of Christendom. It is true that the gulf of anarchy and ruin into which treason threatened to plunge us startled the nation as by an electric shock, and galvanized into life its dormant and dying patriotism. But how came it dormant and dying? I do not hesitate to affirm, that one of the chief causes was our defective system of education. Seven years ago there

was scarcely an American college in which more than four weeks out of the four years' course was devoted to studying the government and history of the United States. For this feature of our educational system I have neither respect nor toleration. It is far inferior to that of Persia three thousand years ago. The uncultivated tribes of Greece, Rome, Libya, and Germany surpassed us in this respect. Grecian children were taught to reverence and emulate the virtues of their ancestors. Our educational forces are so wielded as to teach our children to admire most that which is foreign, and fabulous, and dead. I have recently examined the catalogue of a leading New England college, in which the geography and history of Greece and Rome are required to be studied five terms; but neither the history nor the geography of the United States is named in the college course, or required as a condition of admission. The American child must know all the classic rivers, from the Scamander to the yellow Tiber; must tell you the length of the Appian Way, and of the canal over which Horace and Virgil sailed on their journey to Brundusium; but he may be crowned with baccalaureate honors without having heard, since his first moment of Freshman life, one word concerning the one hundred and twenty-two thousand miles of coast and river navigation, the six thousand miles of canal, and the thirty-five thousand miles of railroad, which indicate both the prosperity and the possibilities of his own country.

It is well to know the history of those magnificent nations whose origin is lost in fable, and whose epitaphs were written a thousand years ago; but if we cannot know both, it is far better to study the history of our own nation, whose origin we can trace to the freest and noblest aspirations of the human heart,— a nation that was formed from the hardiest, purest, and most enduring elements of European civilization, — a nation that, by its faith and courage, has dared and accomplished more for the human race in a single century than Europe accomplished in the first thousand years of the Christian era.

The New England township was the type after which our Federal government was modelled; yet it would be rare to find a college student who can make a comprehensive and intelligent statement of the municipal organization of the township in which he lives, and tell you by what officers its legislative, judicial, and executive functions are administered. One half of the time

which is now almost wholly wasted in district schools on English grammar, attempted at too early an age, would be sufficient to teach our children to love the republic, and to become its loyal and life-long supporters. After the bloody baptism from which the nation has arisen to a higher and nobler life, if this shameful defect in our system of education be not speedily remedied, we shall deserve the infinite contempt of future generations. I insist that it should be made an indispensable condition of graduation in every American college, that the student must understand the history of this continent since its discovery by Europeans; the origin and history of the United States, its constitution of government, the struggles through which it has passed, and the rights and duties of citizens who are to determine its destiny and share its glory.

Having thus gained the knowledge which is necessary to life, health, industry, and citizenship, the student is prepared to enter a wider and grander field of thought. If he desires that large and liberal culture which will call into activity all his powers, and make the most of the material God has given him, he must study deeply and earnestly the intellectual, the moral, the religious, and the æsthetic nature of man — his relations to nature, to civilization past and present, and, above all, his relations to God. These should occupy nearly, if not fully, half the time of his college course. In connection with the philosophy of the mind, he should study logic, the pure mathematics, and the general laws of thought. In connection with moral philosophy, he should study political and social ethics, a science so little known either in colleges or congresses. Prominent among all the rest should be his study of the wonderful history of the human race, in its slow and toilsome march across the centuries; — now buried in ignorance, superstition, and crime; now rising to the sublimity of heroism, and catching a glimpse of a better destiny; now turning remorselessly away from, and leaving to perish, empires and civilizations in which it had invested its faith and courage and boundless energy for a thousand years, and plunging into the forests of Germany, Gaul, and Britain, to build for itself new empires, better fitted for its new aspirations; and at last crossing three thousand miles of unknown sea, and building in the wilderness of a new hemisphere its latest and proudest monuments. To know this as it ought to be known requires not only a knowledge of general history,

but a thorough understanding of such works as Guizot's "History of Civilization" and Draper's "Intellectual Development of Europe," and also the rich literature of ancient and modern nations. Of course, our colleges cannot be expected to lead the student through all the paths of this great field of learning; but they should at least point out its boundaries, and let him taste a few clusters from its richest vines.

Finally, in rounding up the measure of his work, the student should crown his education with that æsthetic culture which will unfold to him the delights of nature and art, and make his mind and heart a fit temple where the immortal spirit of Beauty may dwell forever. While acquiring this kind of knowledge, the student is on a perpetual voyage of discovery, — searching what he is and what he may become, how he is related to the universe, and how the harmonies of the outer world respond to the voice within him. It is in this range of study that he learns most fully his own tastes and aptitudes, and generally determines what his work in life shall be.

The last item in the classification I have suggested, that special knowledge which is necessary to fit a man for the particular profession or calling he may adopt, I cannot discuss here, as it lies outside the field of general education; but I will make one suggestion to the young gentlemen before me who intend to choose, as their life-work, some one of the learned professions. You will commit a fatal mistake if you make only the same preparations which your predecessors made fifty, or even ten years ago. Each generation must have a higher cultivation than the preceding one, in order to be equally successful; and each man must be educated for his own times. If you become a lawyer, you must remember that the science of law is not fixed, like geometry, but is a growth which keeps pace with the progress of society. The developments of the late war will make it necessary to rewrite many of the leading chapters of international and maritime law. The destruction of slavery and the enfranchisement of four millions of colored men will almost revolutionize American jurisprudence. If Webster were now at the bar, in the full glory of his strength, he would be compelled largely to reconstruct the fabric of his legal learning. Similar changes are occurring both in the medical and military professions. Ten years hence the young surgeon will hardly venture to open an office till he has studied thoroughly the medical and

surgical history of the late war. After our experience at Sumter and Wagner, no nation will again build fortifications of costly masonry; for they have learned that earthworks are not only cheaper, but a better defence against artillery. The text-books on military engineering must be rewritten. Our Spencer rifle and the Prussian needle-gun have revolutionized both the manufacture of arms and the manual of arms; and no great battle will ever again be fought with muzzle-loading muskets. Napoleon, at the head of his Old Guard, could to-day win no Austerlitz till he had read the military history of the last six years.

It may perhaps be thought that the suggestion I have made concerning the professions will not apply to the work of the Christian minister, whose principal text-book is a divine and perfect revelation; but, in my judgment, the remark applies to the clerical profession with even more force than to any other. There is no department of his duties in which he does not need the fullest and the latest knowledge. He is pledged to the defence of revelation and religion; but it will not avail him to be able to answer the objections of Hume and Voltaire. The arguments of Paley were not written to answer the scepticism of to-day. His "Natural Theology" is now less valuable than Hugh Miller's "Footprints of the Creator," or Guyot's lectures on "Earth and Man." The men and women of to-day know but little, and care less, about the thousand abstract questions of polemic theology which puzzled the heads and wearied the hearts of our Puritan fathers and mothers. That minister will make, and deserves to make, a miserable failure, who attempts to feed hungry hearts on the dead dogmas of the past. More than that of any other man it is his duty to march abreast of the advanced thinkers of his time, and be, not only a learner, but a teacher of its science, its literature, and its criticism. But I return to the main question before me.

Having endeavored to state what kinds of knowledge should be the objects of a liberal education, I shall next inquire how well the course of study in American colleges is adapted to the attainment of these objects. In discussing this question, I do not forget that he is deemed a rash and imprudent man who invades with suggestions of change these venerable sanctuaries of learning. Let him venture to suggest that much of the wisdom there taught is foolishness, and he may hear from the college chapels of the land, in good Virgilian hexameter, the

warning cry, "Procul, O procul este, profani!" Happy for him if the whole body of alumni do not with equal pedantry respond in Horatian verse, "Fenum habet in cornu; longe fuge." But I protest that a friend of American education may suggest changes in our college studies without committing profanation, or carrying hay on his horns. Our colleges have done, and are doing, a noble work, for which they deserve the thanks of the nation; but he is not their enemy who suggests that they ought to do much better. As an alumnus of one which I shall always reverence, and as a friend of all, I shall venture to discuss the work they are doing.

I have examined the catalogues of some twenty Eastern, Western, and Southern colleges, and find the subjects taught, and the relative time given to each, about the same in all. The chief difference is in the quantity of work required. I will take Harvard as a representative, it being the oldest of our colleges, and certainly requiring as much study as any other. Remembering that the standard by which we measure a student's work for one day is three recitations of one hour each, and that his year usually consists of three terms of thirteen or fourteen weeks each, for convenience' sake I will divide the work required to admit him to college, and after four years to graduate him, into two classes: first, that which belongs to the study of Latin and Greek; and, second, that which does not.

Now, from the annual Catalogue of Harvard for 1866–67, I find that the candidate for admission to the Freshman class must be examined in eight terms' study in Latin, six in Greek, one in ancient geography, one in Grecian history, and one in Roman history, which make seventeen terms in the studies of the first class. Under the second class the candidate is required to be examined in reading, in common-school arithmetic and geography, in one term's study of algebra, and one term of geometry. English grammar is not mentioned. Thus, after completing the elementary branches which are taught in all our common schools, it requires about two years and a half of study to enter the college; and of that study seventeen parts are devoted to the language, history, and geography of Greece and Rome, and two parts to all other subjects!

Reducing the Harvard year to the usual division of three terms, the analysis of the work will be found as follows: not

less than nine terms of Latin (there may be twelve if the student chooses it); not less than six terms of Greek (but twelve if he chooses it); and three terms of Roman history if the student elects it. With the average of three recitations per day, and three terms per year, we may say that the whole work of college study consists of thirty-six parts. Not less than fifteen of these *must* be devoted to Latin and Greek, and not more than twenty-one to all other subjects. If the student chooses, he *may* devote twenty-four parts to Latin and Greek, and twelve to all other subjects. Taking the whole six and a half years of preparatory and college study, we find that, to earn a bachelor's diploma at Harvard, a young man, after leaving the district school, must devote four sevenths of all his labor to Greece and Rome.

Now, what do we find in our second, or *unclassical* list? It is chiefly remarkable for what it does not contain. In the whole programme of study, lectures included, no mention whatever is made of physical geography, of anatomy, physiology, or the general history of the United States. A few weeks of the Senior year given to Guizot, the history of the Federal Constitution, and a lecture on general history once a week during half that year, furnish all that the graduate of Harvard is required to know of his own country, and the living nations of the earth. He must apply years of arduous labor to the history, oratory, and poetry of Greece and Rome; but he is not required to cull a single flower from the rich fields of our own literature. English literature is not named in the curriculum, except that the student may, if he chooses, attend a few general lectures on modern literature.

Such are some of the facts in reference to the educational work of our most venerable college, where there is probably concentrated more general and special culture than at any other in America. I think it probable, that in some of the colleges the proportion of Latin and Greek to other studies may be less; but I believe that in none of them is the preparatory and college work devoted to these two languages less than half of all the work required. Now, the bare statement of this fact should challenge, and must challenge, the attention of every thoughtful man in the nation. No wonder that men are demanding, with an earnestness that will not be repressed, to know how it happens, and why it happens, that, placing in one end of the balance

all the mathematical studies, all the physical sciences in their recent rapid developments, all the study of the human mind and the laws of thought, all the principles of political economy and social science which underlie the commerce and industry, and shape the legislation of nations, the history of our own nation, its constitution of government, and its great industrial interests, all the literature and history of modern civilization, — placing all this, I say, in one end of the balance, they kick the beam when Greece and Rome are placed in the other. I hasten to say that I make no attack upon the study of these noble languages as an important and necessary part of a liberal education. I have no sympathy with that sentiment which would drive them from academy and college, as a part of the dead past that should bury its dead. It is the *proportion* of the work given to them of which I complain,

These studies hold their relative rank in obedience to the tyranny of custom. Each new college is modelled after the older ones, and all the American colleges have been patterned on an humble scale after the universities of England. The prominence given to Latin and Greek at the founding of these universities was a matter of inexorable necessity. The continuance of the same, or anywhere near the same, relative prominence to-day, is both unnecessary and indefensible. I appeal to history for the proof of these assertions.

From the close of the fifth century we date the beginning of those dark ages which enveloped the whole world for a thousand years. The human race seemed stricken with intellectual paralysis. The noble language of the Cæsars, corrupted by a hundred barbarous dialects, ceased to be a living tongue long before the modern languages of Europe had been reduced to writing. In Italy the Latin died in the tenth century; but the oldest document known to exist in Italian was not written till the year 1200. Italian did not really take its place in the family of written languages till a century later, when it was crystallized into form and made immortal by the genius of Dante and Petrarch. The Spanish was not a written language till the year 1200, and was scarcely known to Europe till Cervantes convulsed the world with laughter in 1605. The Latin ceased to be spoken by the people of France in the tenth century, and French was not a written language till the beginning of the fourteenth century. Pascal, who died in 1662, is called the

father of modern French prose. The German, as a literary language, dates from Luther, who died in 1546. It was one of his mortal sins against Rome, that he translated the Bible into the uncouth and vulgar tongue of Germany.

Our own language is also of recent origin. Richard I. of England, who died in 1199, never spoke a word of English in his life. Our mother tongue was never heard in an English court of justice till 1362. The statutes of England were not written in English till three years before Columbus landed in the New World. No philologist dates modern English farther back than 1500. Sir Thomas More, the author of "Utopia," who died in 1535, was the father of English prose.

The dark ages were the sleep of the world, while the languages of the modern world were being born out of chaos. The first glimmer of dawn was in the twelfth century, when in Paris, Oxford, and other parts of Europe, universities were established. The fifteenth century was spent in saving the remnants of classic learning which had been locked up in the cells of monks, — the Greek at Constantinople, and the Latin in the cloisters of Western Europe.

During the first three hundred years of the life of the older universities, it is almost literally true, that no modern tongue had become a written language. The learning of Europe was in Latin and Greek. In order to study either science or literature, these languages must first be learned. European writers continued to use Latin long after the modern languages were fully established. Even Milton's great "Defence of the People of England," which appeared in 1651, was written in Latin, — as were also the "Principia," and other scientific works of Newton, who died in 1727. The pride of learned corporations, the spirit of exclusiveness among learned men, and their want of sympathy with the mass of the people, united to maintain Latin as the language of learning long after its use ceased to be defensible.

Now, mark the contrast between the objects and demands of education when the European universities were founded, — or even when Harvard was founded, — and its demands at the present time. We have a family of modern languages almost equal in force and perfection to the classic tongues, and a modern literature, which, if less perfect than the ancient in æsthetic form, is immeasurably richer in truth, and is filled with

the noblest and bravest thoughts of the world. When the universities were founded, modern science had not been born. Scarcely a generation has passed since then, without adding some new science to the circle of knowledge. As late as 1809, the Edinburgh Review declared that "lectures upon political economy would be discouraged in Oxford, probably despised, probably not permitted." At a much later date, there was no text-book in the United States on that subject. The claims of Latin and Greek to the chief place in the curriculum have been gradually growing less, and the importance of other knowledge has been constantly increasing; but the colleges have generally opposed all innovations, and still cling to the old ways with stubborn conservatism. Some concessions, however, have been made to the necessities of the times, both in Europe and America. Harvard would hardly venture to enforce its law (which prevailed long after Cotton Mather's day) forbidding its students to speak English within the college limits, under any pretext whatever; and British Cantabs have had their task of composing hexameters in bad Latin reduced by a few thousand verses during the last century.

It costs me a struggle to say anything on this subject which may be regarded with favor by those who would reject the classics altogether, for I have read them and taught them with a pleasure and relish which few other pursuits have ever afforded me; but I am persuaded that their supporters must soon submit to a readjustment of their relations to college study, or they may be driven from the course altogether. There are most weighty reasons why Latin and Greek should be retained as part of a liberal education. He who would study our own language profoundly must not forget that nearly thirty per cent of its words are of Latin origin, — that the study of Latin is the study of universal grammar, — that it renders the acquisition of any modern language an easy task, and is indispensable to the teacher of language and literature, and to other professional men. Greek is, perhaps, the most perfect instrument of thought ever invented by man, and its literature has never been equalled in purity of style and boldness of expression. As a means of intellectual discipline, its value can hardly be overestimated. To take a long and complicated sentence in Greek, to study each word in its meanings, inflections, and relations, and to build up in the mind, out of these polished materials, a

sentence perfect as a temple, and filled with Greek thought which has dwelt there two thousand years, is almost an act of creation: it calls into activity all the faculties of the mind. That the Christian oracles have come down to us in Greek, will make Greek scholars forever a necessity.

These studies, then, should not be neglected: they should neither devour nor be devoured. I insist they can be made more valuable, and at the same time less prominent, than they now are. A large part of the labor now bestowed upon them is not devoted to learning the genius and spirit of the language, but is more than wasted on pedantic trifles. In 1809 Sydney Smith lashed this trifling as it deserves in the Edinburgh Review. Speaking of classical Englishmen, he says: —

"Their minds have been so completely possessed by exaggerated notions of classical learning, that they have not been able, in the great school of the world, to form any other notion of real greatness. Attend, too, to the public feelings; look to all the terms of applause. A learned man! a scholar! a man of erudition! Upon whom are these epithets of approbation bestowed? Are they given to men acquainted with the science of government, thoroughly masters of the geographical and commercial relations of Europe? to men who know the properties of bodies and their action upon each other? No: this is not learning; it is chemistry, or political economy, not learning. The distinguishing abstract term, the epithet of scholar, is reserved for him who writes on the Æolic reduplication, and is familiar with the Sylburgian method of arranging defectives in ω and μι. . . . . His object [the young Englishman's] is not to reason, to imagine, or to invent, but to conjugate, decline, and derive. The situations of imaginary glory which he draws for himself are the detection of an anapest in the wrong place, or the restoration of a dative case which Cranzius had passed over and the never-dying Ernesti failed to observe. If a young classic of this kind were to meet the greatest chemist, or the greatest mechanician, or the most profound political economist of his time, in company with the greatest Greek scholar, would the slightest comparison between them ever come across his mind? Would he ever dream that such men as Adam Smith and Lavoisier were equal in dignity of understanding to, or of the same utility as, Bentley or Heyne? We are inclined to think that the feeling excited would be a good deal like that which was expressed by Dr. George about the praises of the great king of Prussia, who entertained considerable doubts whether the king, with all his victories, knew how to conjugate a Greek verb in μι."[1]

[1] The Works of the Rev. Sydney Smith, (Boston, 1856,) p. 75.

He concludes another article,[1] written in 1826, with these words: "If there is anything which fills reflecting men with melancholy and regret, it is the waste of mortal time, parental money, and puerile happiness, in the present method of pursuing Latin and Greek."

To write verse in these languages; to study elaborate theories of the Greek accent, and the ancient pronunciation of both Greek and Latin, which no one can ever know he has discovered, and which would be utterly valueless if he did discover it; to toil over the innumerable exceptions to the arbitrary rules of poetic quantity, which few succeed in learning, and none remember, — these, and a thousand other similar things which crowd the pages of Zumpt and Kühner, no more constitute a knowledge of the spirit and genius of the Greek and Latin languages, than counting the number of threads to the square inch in a man's coat and the number of pegs in his boots makes us acquainted with his moral and intellectual character. The greatest literary monuments of Greece existed hundreds of years before the science of grammar was born. Plato and Thucydides had a tolerable acquaintance with the Greek language; but Crosby goes far beyond their depth. Our colleges should require a student to understand thoroughly the structure, idioms, and spirit of these languages, and to be able, by the aid of a lexicon, to analyze and translate them with readiness and elegance. They should give him the key to the storehouse of ancient literature, that he may explore its treasures for himself in after life. This can be done in two years less than the usual time, and nearly as well as it is done now.

I am glad to inform you, young gentlemen, that the trustees of this institution have this day resolved that, in the course of study to be pursued here, Latin and Greek shall not be *required* after the Freshman year. They must be studied the usual time as a requisite to admission, and they may be carried farther than the Freshman year as elective studies; but in the regular course their places will be supplied by some of the studies I have already mentioned. Three or four terms in general literature will teach you that the republic of letters is larger than Greece or Rome.

The board of trustees have been strengthened in the position they have taken, by the fact that a similar course for the future

[1] Hamilton's Method of Teaching Languages.

has recently been announced by the authorities of Harvard College. Within the last six days, I have received a circular from the secretary of that venerable college, which announces that two thirds of the Latin and Greek are hereafter to be stricken from the list of required studies of the college course. I rejoice that the movement has begun. Other colleges must follow the example; and the day will not be far distant when it shall be the pride of a scholar that he is also a worker, and when the worker shall not refuse to become a scholar because he despises a trifler.

I congratulate you that this change does not reduce the amount of labor required of you. If it did, I should deplore it. I beseech you to remember that the genius of success is still the genius of the lamp. If hard work is not another name for talent, it is the best possible substitute for it. In the long run, the chief difference in men will be found in the amount of work they do. Do not trust to what lazy men call the spur of the occasion. If you wish to wear spurs in the tournament of life, you must buckle them to your own heels before you enter the lists.

Men look with admiring wonder upon a great intellectual effort, like Webster's reply to Hayne, and seem to think that it leaped into life by the inspiration of the moment. But if by some intellectual chemistry we could resolve that masterly speech into its several elements of power, and trace each to its source, we should find that every constituent force had been elaborated twenty years before, — it may be, in some hour of earnest intellectual labor. Occasion may be the bugle-call that summons an army to battle; but the blast of a bugle can never make soldiers, or win victories.

And finally, young gentlemen, learn to cultivate a wise reliance, based not on what you hope, but on what you perform. It has long been the habit of this institution, if I may so speak, to throw young men overboard, and let them sink or swim. None have yet drowned who were worth the saving. I hope the practice will be continued, and that you will not rely upon outside help for growth or success. Give crutches to cripples; but go you forth with brave, true hearts, knowing that fortune dwells in your brain and muscle, and that labor is the only human symbol of Omnipotence.

THE CURRENCY.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 15, 1868.

WHAT was the original view of the Legal Tender Act and the suspension of specie payments, was pointed out in the introduction to the speech of March 16, 1866. That this view was still the current one at the close of the war, is shown by the fact that the House of Representatives, by a vote of 144 to 6, adopted the resolution of Dec. 18, 1865, quoted in this speech.[1] A further test of the same kind is found in the act of April 12, 1866, which gave the Secretary of the Treasury power to call in and cancel legal-tender notes, ten millions of dollars the first six months, and after that at the rate of four millions per month. But even at that time the effect of an inflated currency, and of the general use of unredeemed promises as money, could be seen in many ways. The public intelligence was becoming darkened, and the public conscience hardened. Henceforth for several years a settled and determined popular movement in the direction of inflation can be traced. Congress responded to popular opinion by enacting, January 23, 1868, "That from and after the passage of this act the authority of the Secretary of the Treasury to make any reduction of the currency, by retiring or cancelling United States notes, shall be and is hereby suspended." Since the passage of the act of April 12, 1866, the Secretary of the Treasury had retired $44,000,000 of greenbacks. The act of 1868 took from him the power further to contract the currency, and indefinitely postponed the return to specie payments. The proposition to pay the five-twenty bonds in legal-tender notes had already been submitted to the public, and received with much favor. These extreme financial doctrines were advocated upon the floor of Congress. Day by day, the tide of folly and dishonor rose higher and higher. Hence, as an attempt to check its higher rise, if possible to turn it back, Mr. Garfield prepared and delivered the following speech. As the House was in Committee of the Whole on the state of the Union, he was able

[1] See also note to speech of March 16, 1866, *ante*, p. 200.

to handle his subject in the broadest way, and was not required to deal with any particular measure. Accordingly, this is one of the most expository of all his financial speeches, and comes nearer, perhaps, to being a sound-money manual, than any other speech of his life.[1]

"I cannot but lament from my inmost soul that lust for paper money which appears in some parts of the United States; there will never be any uniform rule, if there is any sense of justice, nor any clear credit, public or private, nor any settled confidence in public men or measures, until paper money is done away." — *John Adams.*

MR. CHAIRMAN, — I am aware that financial subjects are dull and uninviting in comparison with those heroic themes which have absorbed the attention of Congress for the last five years. To turn from the consideration of armies and navies, victories and defeats, to the long array of figures which exhibit the debt, expenditure, taxation, and industry of the nation, requires no little courage and self-denial; but to those questions we must come, and to their solution Congresses, political parties, and all thoughtful citizens must give their best efforts for many years to come. Our public debt, the greatest financial fact of this century, stands in the pathway of all political parties, and, like the Theban Sphinx, propounds its riddles. All the questions which spring out of the public debt, — such as loans, bonds, tariffs, internal taxation, banking, and currency, — present greater difficulties than usually come within the scope of American politics. They cannot be settled by force of numbers, nor carried by assault, as an army storms the works of an enemy. Patient examination of facts, careful study of principles which do not always appear on the surface, and which involve the most difficult problems of political economy, are the weapons of this warfare. No sentiment of national pride should make us unmindful of the fact that we have less experience in this direction than any other civilized nation. If this fact is not creditable to our intellectual reputation, it at least affords a proof that our people have not hitherto been crushed under the burdens of taxation. We must consent to be instructed by the experience

[1] It is proper to say that copies of this speech were sent to Europe by the Secretary of the Treasury, who hoped it might have a favorable effect upon American credit abroad. Some of these copies came into the hands of influential members of the Cobden Club, London, and led at once to Mr. Garfield's election to its honorary membership.

of other nations, and be willing to approach these questions, not with the dogmatism of teachers, but as seekers after truth.

It is evident that, both in Congress and among the people, there is great diversity of opinion on all these themes. He is indeed a bold man who, at this time, claims to have mastered any one of them, or reached conclusions on all its features satisfactory even to himself. For myself; I claim only to have studied earnestly to know what the best interests of the country demand at the hands of Congress. I have listened with great respect to the opinions of those with whom I differ most, and only ask for myself what I award to all others, a patient hearing.

The past six months have been remarkable for unparalleled distress in the commercial and industrial interests of half the civilized world. In Great Britain the distress among the laboring classes is more terrible than the people of those islands have suffered for a quarter of a century. From every city, town, and village in the kingdom the cry of distress comes up through every issue of the press. The London Times of December 11 says: "Last winter the demands on the public were unprecedented. The amount of money given to the poor of London beyond that disbursed in legal relief of the poor was almost incredible. It seemed the demand had reached its highest point; but if we are not mistaken, the exigencies of the present season will surpass those of any former year in British history." The London Star, of a still later date, says: "Men and women die in our streets every day of starvation. Whole districts are sinking into one vast, squalid, awful condition of helpless, hopeless destitution."

From many parts of Continental Europe there comes a similar cry. A few weeks since, the Secretary of State laid before this body a letter from the American Minister at Copenhagen, appealing to this country for contributions for the relief of the suffering poor of Sweden and Norway. A late Berlin paper says, "Business is at a stand-still, and privation and suffering are everywhere seen." The inhabitants of Eastern Prussia are appealing to the German citizens of the United States for immediate relief. In Russia the horrors of pestilence are added to the sufferings of famine. In Finland the peasants are dying of starvation by hundreds. In some parts of France and Spain the scarcity is very great. In Northern Africa the suffering is still greater. In Algiers the deaths by starvation are so

numerous that the victims are buried in trenches like the slain on a battle-field. In Tunis eight thousand have thus perished in two months. The United States Consul at that place writes that on the 27th of December two hundred people starved to death in the streets of that city, and the average daily deaths from starvation exceed one hundred.

Our sadness at the contemplation of this picture is mingled with indignation, when we reflect that at the present moment, in the eight principal nations of Europe, there are three million men under arms at an annual cost of nearly a thousand million dollars, — an expense which in twenty years would pay every national debt in Christendom. And this only the peace establishment! While Napoleon is feeding fifty thousand starving Frenchmen daily from the soup kitchens of the imperial palace, he is compelling the French legislature to double his army. Whatever distress our people may be suffering, they have reason to be thankful that the bloody monster called the "balance of power" has never cast its shadow upon our country. We have reason, indeed, to be thankful that our people are suffering less than the people of any other nation. But the distress here is unusual for us. It is seen in the depression of business, the stagnation of trade, the high price of provisions, and the great difficulty which laboring men encounter in finding employment. It is said that during the past winter seventy-five thousand laborers in New York City have been unable to find employment. The whole industry of the States lately in rebellion is paralyzed, and in many localities the cry of hunger is heard. It is the imperative duty of Congress to ascertain the cause of this derangement of our industrial forces, and apply whatever remedy legislation can afford. The field is a broad one, the subject is many-sided; but our first step should be to ascertain the facts of our situation.

I shall direct my remarks on this occasion to but one feature of our legislation. I propose to discuss the currency, and its relation to the revenue and business prosperity of the country.

In April, 1861, there began in this country an industrial revolution, not yet completed, as gigantic in its proportions and as far-reaching in its consequences as the political and military revolution through which we have passed. As the first step to any intelligent discussion of the currency, it is

necessary to examine the character and progress of that industrial revolution.

The year 1860 was one of remarkable prosperity in all branches of business. For seventy years no Federal tax-gatherer had been seen among the laboring population of the United States. Our public debt was less than sixty-five million dollars. The annual expenditures of the government, including interest on the public debt, were less than sixty-four million dollars. The revenues from customs alone amounted to six sevenths of the expenditures. The value of our agricultural products for that year amounted to $1,625,000,000. Our cotton crop alone was 2,155,000,000 pounds, and we supplied to the markets of the world seven eighths of all the cotton consumed. Our merchant marine, engaged in foreign trade, amounted to 2,546,237 tons, and promised soon to rival the immense carrying trade of England.

Let us now observe the effect of the war on the various departments of business. From the moment the first hostile gun was fired, the Federal and State governments became gigantic consumers. As far as production was concerned, eleven States were completely separated from the Union. Two million laborers — more than one third of the adult population of the Northern States — were withdrawn from the ranks of producers, and became only consumers of wealth. The Federal government became an insatiable devourer. Leaving out of account the vast sums expended by States, counties, cities, towns, and individuals for the payment of bounties, for the relief of sick and wounded soldiers and their families, and omitting the losses — which can never be estimated — of property destroyed by hostile armies, I shall speak only of expenditures which appear on the books of the Federal Treasury. From the 30th of June, 1861, to the 30th of June, 1865, there were paid out of the Federal treasury $3,340,996,211, making an average for these four years of more than $836,000,000 per annum.

From the official records of the Treasury Department it appears that, from the beginning of the American Revolution in 1775 to the beginning of the late rebellion, the total expenditures of the government for all purposes, including the assumed war debts of the States, amounted to $2,250,000,000. The expenditures of four years of the rebellion were nearly

$1,100,000,000 more than all the Federal expenses since the Declaration of Independence. The debt of England, which had its origin in the Revolution of 1688, and was increased by more than one hundred years of war and other political disasters, had reached in 1793 the sum of $1,268,000,000. During the twenty-two years that followed, while England was engaged in a life and death struggle with Napoleon, $3,056,000,000 was added to her debt. In four years we spent $300,000,000 more than the amount by which England increased her debt in twenty-two years of war, — almost as much as she had increased it in one hundred and twenty-five years of war. Now, the enormous demand which this expenditure created for all the products of industry stimulated to an unparalleled degree every department of business. Plough, furnace, mill, loom, railroad, steamboat, telegraph, — all were driven to their utmost capacity. Warehouses were emptied; and the great reserves of supply, which all nations in a normal state keep on hand, were exhausted to meet the demands of the great consumer. For many months the government swallowed three millions per day of the products of industry. Under the pressure of this demand, prices rose rapidly in every department of business. Labor everywhere found quick and abundant returns. Old debts were cancelled, and great fortunes were made.

For the transaction of this enormous business an increased amount of currency was needed; but I doubt if any member of this House can be found bold enough to deny that the deluge of treasury notes poured upon the country during the war was far greater than even the great demands of business. Let it not be forgotten, however, that the chief object of these issues was not to increase the currency of the country. They were authorized with great reluctance and under the pressure of overwhelming necessity, as a temporary expedient to meet the demands of the treasury. They were really forced loans in the form of treasury notes. By the act of July 17, 1861, an issue of demand notes was authorized to the amount of $50,000,000. By the act of August 5, 1861, this amount was increased $50,000,000 more. By the act of February 25, 1862, an additional issue of $150,000,000 was authorized. On the 17th of the same month an unlimited issue of fractional currency was authorized. On the 17th of January, 1863, an issue of $150,000,000 more was authorized, which was increased

$50,000,000 by the act of March 3 of the same year. This act also authorized the issue of one and two years' Treasury notes, bearing interest at five per cent, to be a legal tender for their face, to the amount of $400,000,000. By the act of June 30, 1864, an issue of six per cent compound-interest notes, to be a legal tender for their face, was authorized, to the amount of $200,000,000. In addition to this, many other forms of paper obligation were authorized, which, though not a legal tender, performed many of the functions of currency. By the act of March 1, 1862, the issue of an unlimited amount of certificates of indebtedness was authorized, and within ninety days after the passage of the act, there had been issued and were outstanding of these certificates more than $156,000,000. Of course these issues were not all outstanding at the same time, but the acts show how great was the necessity for loans during the war.

The law which made the vast volume of United States notes a legal tender operated as an act of general bankruptcy. The man who loaned $1,000 in July, 1861, payable in three years, was compelled by this law to accept at maturity, as a full discharge of the debt, an amount of currency equal in value to $350 of the money he loaned. Private indebtedness was everywhere cancelled. Rising prices increased the profits of business; but this prosperity was caused by the great demand for products, and not by the abundance of paper money. As a means of transacting the vast business of the country, a great volume of currency was indispensable; and its importance cannot be well overestimated. But let us not be led into the fatal error of supposing that paper money created the business or produced the wealth. As well might it be alleged that our rivers and canals produce the grain which they float to market. Like currency, the channels of commerce stimulate production, but cannot nullify the inexorable law of demand and supply.

Mr. Chairman, I have endeavored to trace the progress of our industrial revolution in passing from peace to war. In returning from war to peace all the conditions were reversed. At once the government ceased to be an all-devouring consumer. Nearly two million able-bodied men were discharged from the army and navy, and enrolled in the ranks of the producers. The expenditures of the government, which for the fiscal year ending June 30, 1865, amounted to $1,290,000,000,

were reduced to $520,000,000 in 1866, to $346,000,000 in 1867; and, if the retrenchment measures recommended by the Special Commissioner of the Revenue be adopted, another year will bring them below $300,000,000. Thus during the first year after the war the demands of the Federal government as a consumer decreased sixty per cent; and in the second year the decrease had reached seventy-four per cent, with a fair prospect of a still further reduction.

The recoil of this sudden change would have produced great financial disaster in 1866, but for the fact that there was still open to industry the work of replacing the wasted reserves of supply, which in all countries in a healthy state of business are estimated to be sufficient for two years. During 1866, the fall in price of all articles of industry amounted to an average of ten per cent. One year ago a table was prepared at my request by Mr. Edward Young, in the office of the Special Commissioner of the Revenue, exhibiting a comparison of wholesale prices at New York in December, 1865, and December, 1866. It shows that in ten leading articles of provisions there was an average decline of twenty-two per cent, though beef, together with flour and other breadstuffs, remained nearly stationary. On cotton and woollen goods, boots, shoes, and clothing, the decline was thirty per cent. On the products of manufacture and mining, including coal, cordage, iron, lumber, naval stores, oils, tallow, tin, and wool, the decline was twenty-five per cent. The average decline on all commodities was at least ten per cent. According to the estimates of the Special Commissioner of the Revenue in his late report, the average decline during 1867 has amounted to at least ten per cent more. During the past two years, Congress has provided by law for reducing internal taxation $100,000,000; and the act passed a few weeks ago has reduced the tax on manufactures by the amount of $64,000,000 per annum. The repeal of the cotton tax will make a further reduction of $20,000,000. State and municipal taxation and expenditures have also been greatly reduced. The work of replacing these reserves delayed the shock and distributed its effects, but could not avert the inevitable result. During the past two years, one by one, the various departments of industry produced a supply equal to the demand. Then followed a glutted market, a fall in prices, and a stagnation of business by which thousands of laborers were thrown out of employment.

If to this it be added that the famine in Europe and the drought in many of the agricultural States of the Union have kept the price of provisions from falling as other commodities have fallen, we shall have a sufficient explanation of the stagnation of business and the unusual distress among our people.

This industrial revolution has been governed by laws beyond the reach of Congress. No legislation could have arrested it at any stage of its progress. The most that could possibly be done by Congress was to take advantage of the prosperity it occasioned to raise a revenue for the support of the government, and to mitigate the severity of its subsequent pressure, by reducing the vast machinery of war to the lowest scale possible. Manifestly, nothing can be more absurd than to suppose that the abundance of currency produced the prosperity of 1863, 1864, and 1865, or that the want of it is the cause of our present stagnation.

In order to reach a satisfactory understanding of the currency question, it is necessary to consider somewhat fully the nature and functions of money, or any substitute for it.

The theory of money which formed the basis of the "mercantile system" of the seventeenth and eighteenth centuries has been rejected by all leading financiers and political economists for the last seventy-five years. That theory asserted that money is wealth; that the great object of every nation should be to increase its amount of gold and silver; that this was a direct increase of national wealth. It is now held as an indisputable truth, that money is an instrument of trade, and performs but two functions. It is a measure of value and a medium of exchange.

In cases of simple barter, where no money is used, we estimate the relative values of the commodities to be exchanged in dollars and cents, it being our only universal measure of value. As a medium of exchange, money is to all business transactions what ships are to the transportation of merchandise. If a hundred vessels of a given tonnage are just sufficient to carry all the commodities between two ports, any increase of the number of vessels will correspondingly decrease the value of each as an instrument of commerce; any decrease below one hundred will correspondingly increase the value of each. If the number be doubled, each will carry but half its usual freight, will be worth but half its former value for that trade. There is

so much work to be done, and no more. A hundred vessels can do it all. A thousand can do no more than all. The functions of money as a medium of exchange, though more complicated in their application, are precisely the same in principle as the functions of the vessels in the case I have supposed.

If we could ascertain the total value of all the exchanges effected in this country by means of money in any year, and could ascertain how many dollars' worth of such exchanges can be effected in a year by one dollar in money, we should know how much money the country needed for the business transactions of that year. Any decrease below that amount will correspondingly increase the value of each dollar as an instrument of exchange. Any increase above that amount will correspondingly decrease the value of each dollar. If that amount be doubled, each dollar of the whole mass will perform but half the amount of business it did before; will be worth but half its former value as a medium of exchange. Recurring to our illustration: if, instead of sailing-vessels, steam-vessels were substituted, a much smaller tonnage would be required; so, if it were found that $500,000,000 of paper, each worth seventy cents in gold, were sufficient for the business of the country, it is equally evident that $350,000,000 of gold substituted for the paper would perform precisely the same amount of business.

It should be remembered, also, that any improvement in the mode of transacting business, by which the actual use of money is in part dispensed with, reduces the total amount needed by the country. How much has been accomplished in this direction by recent improvements in banking, may be seen in the operations of the clearing-houses in our great cities. The records of the New York clearing-house show that from October 11, 1853, the date of its establishment, to October 11, 1867, the exchanges amounted to nearly $180,000,000,000; to effect which, less than $8,000,000,000 of money were used; an average of about four per cent; that is, exchanges were made to the amount of $100,000,000 by the payment of $4,000,000 of money. It is also a settled principle, that all deposits in banks drawn upon by checks and drafts really serve the purpose of money.

The amount of currency needed in the country depends, as we have seen, upon the amount of business transacted by means of money. The amount of business, however, is varied by

many causes which are irregular and uncertain in their operation. An Indian war, deficient or abundant harvests, an overflow of the cotton lands of the South, a bread famine or a war in Europe, and a score of such causes entirely beyond the reach of legislation, may make money deficient this year and abundant next. The needed amount varies, also, from month to month in the same year. More money is required in the autumn, when the vast products of agriculture are being moved to market, than when the great army of laborers are in winter quarters, awaiting the seedtime.

When the money of the country is gold and silver, it adapts itself to the fluctuations of business without the aid of legislation. If, at any time, we have more than is needed, the surplus flows off to other countries through the channels of international commerce. If less, the deficiency is supplied through the same channels. Thus the monetary equilibrium is maintained. So immense is the trade of the world, that the golden streams pouring from California and Australia into the specie circulation are soon absorbed in the great mass and equalized throughout the world, as the waters of all the rivers are spread upon the surface of all the seas. Not so, however, with an inconvertible paper currency. Excepting the specie used in payment of customs and the interest on our public debt, we are cut off from the money currents of the world. Our currency resembles rather the waters of an artificial lake, which lie in stagnation or rise to full banks at the caprice of the gate-keeper. Gold and silver abhor depreciated paper money, and will not keep company with it. If our currency be more abundant than business demands, not a dollar of it can go abroad; if deficient, not a dollar of gold will come in to supply the lack. There is no legislature on earth wise enough to adjust such a currency to the wants of the country.

Let us examine more minutely the effect of such a currency upon prices. Suppose that the business transactions of the country at the present time require $350,000,000 in gold. It is manifest that if there are just $350,000,000 of legal-tender notes, and no other money in the country, each dollar will perform the full functions of a gold dollar, so far as the work of exchange is concerned. Now, business remaining the same, let $350,000,000 more of the same kind of notes be pressed into circulation. The whole volume, as thus increased, can do no

more than all the business. Each dollar will accomplish just half the work that a dollar did before the increase; but as the nominal dollar is fixed by law, the effect is shown in prices being doubled. It requires two of these dollars to make the same purchase that one dollar made before the increase. It would require some time for the business of the country to adjust itself to the new conditions, and great derangement of values would ensue; but the result would at last be reached in all transactions which are controlled by the law of demand and supply.

No such change of values can occur without cost. Somebody must pay for it. Who pays in this case? We have seen that doubling the currency finally results in reducing the purchasing power of each dollar one half; hence every man who held a legal-tender note at the time of the increase, and continued to hold it till the full effect of the increase was produced, suffered a loss of fifty per cent of its value; in other words, he paid a tax to the amount of half of all the currency in his possession. This new issue, therefore, by depreciating the value of all the currency, cost the holders of the old issue $175,000,000; and if the new notes were received at their nominal value at the date of issue, their holders paid a tax of $175,000,000 more. No more unequal or unjust mode of taxation could possibly be devised. It would be tolerated only by being so involved in the transactions of business as to be concealed from observation; but it would be no less real because hidden.

But some one may say, "This depreciation would fall upon capitalists and rich men who are able to bear it." If this were true, it would be no less unjust. But, unfortunately, the capitalists would suffer less than any other class. The new issue would be paid in the first place in large amounts to the creditors of the government; it would pass from their hands before the depreciation had taken full effect, and, passing down step by step through the ranks of middle-men, the dead weight would fall at last upon the laboring classes in the increased price of all the necessaries of life. It is well known that, in a general rise of prices, wages are among the last to rise. This principle was illustrated in the report of the Special Commissioner of the Revenue for the year 1866. It is there shown that from the beginning of the war to the end of 1866 the average price of all commodities had risen ninety per cent. Wages, however, had risen but sixty per cent. A day's labor would purchase but two

thirds as much of the necessaries of life as it did before. The wrong is therefore inflicted on the laborer long before his income can be adjusted to his increased expenses. It was in view of this truth that Daniel Webster said in one of his ablest speeches: "Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation, — these bear lightly on the happiness of the mass of the community, compared with a fraudulent currency and the robberies committed by depreciated paper."[1]

The fraud committed and the burdens imposed upon the people, in the case we have supposed, would be less intolerable if all business transactions could be really adjusted to the new conditions; but even this is impossible. All debts would be cancelled, all contracts fulfilled, by payment in these notes, — not at their real value, but for their face. All salaries fixed by law, the pay of every soldier in the army, of every sailor in the navy, and all pensions and bounties, would be reduced to half their former value. In these cases the effect is only injurious. Let it never be forgotten that every depreciation of our currency results in robbing the one hundred and eighty thousand pensioners, maimed heroes, crushed and bereaved widows, and homeless orphans, who sit helpless at our feet. And who would be benefited by this policy? A pretence of apology might be offered for it if the government could save what the people lose. But the system lacks the support of even that selfish and immoral consideration. The depreciation caused by the over-issue in the case we have supposed, compels the government to pay just that per cent more on all the contracts it makes, on all the loans it negotiates, on all the supplies it purchases; and to crown all, it must at last redeem all its legal-tender notes in gold coin, dollar for dollar. And yet the advocates of repudiation have been bold enough to deny this!

I have thus far considered the influence of a redundant paper currency on the country when its trade and industry are in a healthy and normal state. I now call attention to its effect in producing an unhealthy expansion of business, in stimulating speculation and extravagance, and in laying the sure foundation

[1] Works, Vol. III. p. 395.

of commercial revulsion and wide-spread ruin. This principle is too well understood to require any elaboration here. The history of all modern nations is full of examples. One of the ablest American writers on banks and banking, Mr. Gouge, thus sums up the result of his researches: "The history of all our bank pressures and panics has been the same, in 1825, in 1837, and in 1843; and the cause is given in these two simple words, universal expansion." And such is the testimony of all the highest authorities.

There still remains to be considered the effect of depreciated currency on our trade with other nations. By raising prices at home higher than they are abroad, imports are largely increased beyond the exports; our coin goes abroad, or, what is far worse for us, our bonds, which have also suffered depreciation, go abroad, and are purchased by foreigners at seventy cents on the dollar. During the whole period of high prices occasioned by the war, gold and bonds have been steadily going abroad, notwithstanding our tariff duties, which average nearly fifty per cent *ad valorem*. More than five hundred million dollars of our bonds are now held in Europe, ready to be thrown back upon us when any war or other sufficient disturbance shall occur. No tariff rates short of actual prohibition can prevent this outflow of gold while our currency is thus depreciated. During these years, also, our merchant marine steadily decreased, and our shipbuilding interests were nearly ruined. Our tonnage engaged in foreign trade, which amounted in 1859–60 to more than two and a half million tons, had fallen in 1865–66 to less than one and a half millions, a decrease of more than fifty per cent; and prices of labor and material are still too high to enable our shipwrights to compete with foreign builders.

From the facts already exhibited in reference to our industrial revolution, and from the foregoing analysis of the nature and functions of currency, it is manifest, —

1. That the remarkable prosperity of all industrial enterprise during the war was not caused by the abundance of currency, but by the unparalleled demand for every product of labor.

2. That the great depression of business, the stagnation of trade, the hard times which have prevailed during the past year, and which still prevail, have not been caused by an insufficient amount of currency, but mainly by the great falling off of

the demand for all the products of labor compared with the increased supply since the return from war to peace.

I should be satisfied to rest on these propositions without further argument, were it not that the declaration is so often and so confidently made by members of this House, that there is not only no excess of currency, but that there is not enough for the business of the country. I subjoin a table, carefully made up from the official records, showing the amount of paper money in the United States at the beginning of each year from 1834 to 1868, inclusive. The fractions of millions are omitted.

	Millions.		Millions.		Millions.		Millions.
1834	95	1843	59	1852	150	1861	202
1835	104	1844	75	1853	146	1862	218
1836	140	1845	90	1854	205	1863	529
1837	149	1846	105	1855	187	1864	636
1838	116	1847	106	1856	196	1865	948
1839	135	1848	129	1857	215	1866	919
1840	107	1849	115	1858	135	1867	852
1841	107	1850	131	1859	193	1868	767
1842	84	1851	155	1860	207		

To obtain a full exhibit of the circulating medium of the country for these years, it would be necessary to add to the above the amount of coin in circulation each year. This amount cannot be ascertained with accuracy; but it is the opinion of those best qualified to judge that there was about $200,000,000 of gold and silver coin in the United States at the beginning of the rebellion. It is officially known that the amount held by the banks from 1860 to 1863 inclusive averaged about $97,000,000. Including bank reserves, the total circulation of coin and paper never exceeded $400,000,000 before the war. Excluding the bank reserves, the amount was never much above $300,000,000. During the twenty-six years preceding the war, the average bank circulation was less than $139,000,000.

It is estimated that the amount of coin now in the United States is not less than $250,000,000. When it is remembered that there are now $106,000,000 of coin in the Treasury, that customs duties and interest on the public debt are paid in coin alone, and that the currency of the States and Territories of the Pacific coast is wholly metallic, it will be seen that a large sum of gold and silver must be added to the volume of paper currency in order to ascertain the whole amount of our circulation. It cannot be successfully controverted that the gold,

silver, and paper used as money in this country at this time amount to $1,000,000,000. If we subtract from this amount our bank reserves, — which amounted on the 1st of January last to $162,500,000, and also the cash in the national treasury, which at that time amounted to $134,000,000, — we still have left in active circulation more than seven hundred million dollars.

It rests with those who assert that our present amount of currency is insufficient, to show that one hundred and fifty per cent more currency is now needed for the business of the country than was needed in 1860. To escape this difficulty, it has been asserted by some honorable members that the country never had currency enough, and that credit was substituted before the war to supply the lack of money. It is a perfect answer to this that in many of the States a system of free banking prevailed; and such banks pushed into circulation all the money they could find a market for.

The table I have submitted shows how perfect an index the currency is of the healthy or unhealthy condition of business, and that every great financial crisis for the period covered by the table has been preceded by a great increase and followed by a great and sudden decrease in the volume of paper money. The rise and fall of mercury in the barometer is not more surely indicative of an atmospheric storm than a sudden increase or decrease of currency is indicative of financial disaster. Within the period covered by the table there were four financial and commercial crises in this country. They occurred in 1837, 1841, 1854, and 1857. Now observe the change in the volume of paper currency for those years.

On the 1st day of January, 1837, the amount had risen to $149,000,000, an increase of nearly fifty per cent in three years. Before the end of that year, the reckless expansion, speculation, and overtrading which caused the increase, had resulted in terrible collapse; and on the 1st of January, 1838, the volume was reduced to $116,000,000. Wild lands, which speculation had raised to fifteen and twenty dollars per acre, fell to one dollar and a half and two dollars, accompanied by a corresponding depression in all branches of business. Immediately after the crisis of 1841 the bank circulation decreased twenty-five per cent, and by the end of 1842 was reduced to $58,500,000, a decrease of nearly fifty per cent.

At the beginning of 1853 the amount was $146,000,000.

Speculation and expansion had swelled it to $205,000,000 by the end of that year, and thus introduced the crash of 1854. At the beginning of 1857 the paper money of the country reached its highest point of inflation up to that time. There was nearly $215,000,000, but at the end of that disastrous year the volume had fallen to $135,000,000, a decrease of nearly forty per cent in less than twelve months. In the great crashes preceding 1837 the same conditions are invariably seen, — great expansion, followed by a violent collapse, not only in paper money, but in loans and discounts; and those manifestations have always been accompanied by a corresponding fluctuation in prices. In the great crash of 1819, one of the severest this country ever suffered, there was a complete prostration of business. It is recorded in Niles's Register for 1820 that in that year an Ohio miller sold four barrels of flour to raise five dollars, the amount of his subscription to that paper. Wheat was twenty cents per bushel and corn ten cents. About the same time Mr. Jefferson wrote to Nathaniel Macon: "We have now no standard of value. I am asked eighteen dollars for a yard of broadcloth which, when we had dollars, I used to get for eighteen shillings."

But the advocates of paper-money expansion answer us: It makes no difference what your reasoning may be; we allege the fact that there is great stringency in our money market, great depression in business, and the high rate of interest everywhere demanded, especially in the West, proves conclusively that an increase of currency is needed.

The relation of business to the supply of money and to the rate of interest has never been so strikingly illustrated as in the financial and business history of Europe during the past two years. At the beginning of 1866 there was great activity and apparent prosperity in the business of Europe. It was a period of speculation and overtrading. About the middle of that year the depression commenced, which has continued and increased till now, when the distress is greater and more widespread than it has been for a quarter of a century. From May, 1866, to the present time, the rate of interest in the principal money centres of Europe has been steadily decreasing. The following table, collated from the London Economist, exhibits the fact that the average decline in nine kingdoms of Europe is fifty per cent.

RATE OF INTEREST.

	May, 1866. Per cent.	March, 1868. Per cent.		May, 1866. Per cent.	March, 1868. Per cent.
London	7	2	Turin	6	5
Paris	4	1½	Madrid	9	5
Berlin	5	3	Brussels	5	2
Vienna	7	4	Hamburg	7	2
Frankfort	6	2¼	St. Petersburg	7	8
Amsterdam	6⅔	3			

It will be noticed that the rate is lowest in specie-paying countries, and highest where there is a large volume of depreciated paper money, as in Russia, Spain, and Italy. But the important fact exhibited in this table is, that as commercial distress has increased, the rate of interest has decreased, and that hard times have been accompanied by an abundant supply of money. It would be as reasonable for an Englishman to assert that the distress and stagnation of business there has been caused by the plethora of money and the low rate of interest, as for us to claim that our distress is caused by an insufficient currency and a high rate of interest. There, as here, the distress was caused by overproduction and overtrading. England thought to grow rich out of our misfortunes, and, in her greed, overreached herself and brought misery and ruin upon millions of her people. As a specimen of her crazy expansion of business, witness the fact that in the years 1863, 1864, and 1865, in addition to all other enterprises, there were organized eight hundred and thirty-two joint-stock companies, with an authorized capital of £363,000,000 sterling. During 1866 and 1867, there were organized but seventy-one such companies, with an authorized capital of less than £16,500,000 sterling.

The Bankers' Magazine of London, for May, 1867, says: "In the vaults of the Bank of England, the Bank of France, and in Amsterdam, Frankfort, Hamburg, and Berlin, there are £75,000,000; the rate of discount averages three per cent, and is tending downward; yet in each and every one of these cities complaints of the scarcity of money were never more rife." At the end of 1867, the same Magazine says, there were £23,500,000 sterling gold in the Bank of England, besides £14,000,000 of coin and paper reserves, but "not the slightest life in trade." The London Times of December 20, 1867, says: "We are now paying the penalty of wild speculation and overtrading. For eighteen months, all but the ordinary business of

the country is at a stand-still. . . . . Millions on millions are lying useless in the various banks of the country because the owners of the money cannot yet prevail upon themselves to trust it in any of the ordinary investments."

From these facts it is evident that those who attribute our hard times to a reduction of the currency will find themselves unable to explain the hard times in Europe.

We are constantly reminded that the country was prosperous at the beginning of 1866, before the currency was reduced, but is in distress since the reduction; and these two facts are assumed to sustain the relation to each other of cause and effect. Now let it be observed that since January, 1866, the volume of paper currency has been reduced sixteen and a half per cent, but during the same time there has been an average decline in prices of not less than twenty per cent; that is, eighty cents in currency will purchase as many commodities now as a dollar would two years ago; and there is eighty-three and a half cents in currency now to every dollar then. The gold value of our whole volume of currency in January, 1868, was but three and two thirds per cent less than the gold value of the whole volume in January, 1866. The advocates of expansion should prove that there has been a reduction in the purchasing power of our currency before they deplore the fact.

That there is an apparent stringency in our money market generally, and a relative scarcity of currency in the West, cannot be doubted. During the past winter, especially, it has been and still is very difficult in the West to obtain money on good business paper. The causes of this are to be found in the improper adjustment of our financial machinery, and in the great uncertainty attending our financial legislation. It is a well-settled principle that an irredeemable currency tends to find its way to the money centres, and stay there. Most unfortunately for the interest of the country, the national banks have been allowed to receive interest on the deposits they make in the banks at the great money centres. Most of the country banks, therefore, send all their surplus funds to New York, and will not loan money unless they can receive a higher rate than is paid them there. For all practical purposes their notes are equal to greenbacks, and they are never called upon to redeem them. Thus we have a plethora of money in New York and a few other cities, and a scarcity in the country. We are finan-

cially in the condition of a sick man suffering with congestive chills; the blood rushes to the heart, and leaves the extremities chilled and paralyzed.

The fluctuation of values caused by the uncertainty of our situation offers a great temptation to engage in stock and gold speculation; and hence men who would otherwise be honest producers of wealth rush to the gold-room or the stock-market and become the most desperate of gamblers, putting up fortunes to be lost or won on the chances of a day. These men pay enormous margins on their purchases and extravagant interest on their loans. There are tons of paper money at the great commercial centres, to which it flows from all quarters to meet the insane demands of Wall Street. Recently a clique of these operators locked up $25,000,000 of greenbacks, and upon them, as a special deposit, borrowed $20,000,000 more for the purpose of creating a sudden stringency in the money market and placing gold and stocks at their mercy. The vast amount of money daily loaned on call in Wall Street, at a high rate of interest, shows how the currency of the country is being used. So long as the national government takes no steps toward redeeming its own paper, so long will there be nothing to call the notes of the country banks back home; so long will there be no healthy and equal circulation of the currency. If $200,000,000 more currency were now issued, I do not doubt that within two months there would be the same want of money in the rural districts that now prevails. The surplus would flow to the money centres, and the increased prices would make our condition worse than before. It ought not to be forgotten that while the capitalist and speculator are able to take advantage of fluctuations in prices, the poor man has no such power. The necessities of life he must buy day by day, whatever the price may be. He offers for sale only his labor. That he must sell each day, or it will be wholly lost. He is absolutely at the mercy of the market.

But the most serious evil growing out of the condition of our currency is the fact that we have now no fixed and determinate standard of value. It is scarcely possible to exaggerate this evil. If a snowball, made at the beginning of winter and exposed to freezing and thawing, snowfall and rainfall, weighed every day at noon, were made the lawful pound avoirdupois for this country during the winter, we can hardly conceive the con-

fusion and injustice that would attend all transactions depending on weight. The evil, however, would not be universal. Linear, liquid, and many other measures would not be affected by it. But a change of the money standard reaches all values. No transaction escapes. The money unit is the universal measure of value throughout the world. Since the dawn of civilization, the science, the art, the statesmanship of the world, have been put in requisition to devise and maintain an unvarying, and, as far as possible, an invariable standard. For thousands of years gold and silver of a certain weight and fineness have been adopted as the nearest approach to perfection; but even the slight variation in value to which coin is subject from clipping and wear has brought nations to the verge of revolution. No one can read Macaulay's account of the recoinage in England, in the days of William and Mary, without perceiving how directly the happiness and prosperity of a nation depend upon the stability of its money unit. He says, "It may well be doubted whether all the misery which had been inflicted on the English nation in a quarter of a century by bad kings, bad ministers, bad Parliaments, and bad judges, was equal to the misery caused in a single year by bad crowns and bad shillings."[1]

To rescue the nation from the evils of bad shillings, Newton was called from his high realm of discovery, Locke from his profound meditations, Somers and Montague from their seats in Parliament, and these illustrious men spent months in most devoted effort to restore to the realm its standard of value. What could now be of greater service to our country than to direct its highest wisdom and statesmanship to the restoration of our standard? For three quarters of a century the dollar has been our universal measure. A coin containing $23\frac{22}{100}$ grains of pure gold stamped at the national mint has been our only definition of the word *dollar*. The dollar is the gauge that measures every blow of the axe, every swing of the scythe, every stroke of the hammer, every fagot that blazes on the poor man's hearth, every fabric that clothes his children, every mouthful that feeds their hunger. The word *dollar* is the substantive word, — the fundamental condition of every contract, of every sale, of every payment, whether from the national Treasury or from the stand of the apple-woman in the street. Now, what is our situation? There has been no day

[1] History, Vol. IV. p. 498 (Harper's ed.).

since the 25th of February, 1862, when any man could tell what would be the value of our legal-currency dollar the next month or the next day. Since that day we have substituted for a dollar the printed promise of the government to pay a dollar. That promise we have broken. We have suspended payment, and have by law compelled the citizen to receive dishonored paper in place of money. The value of the paper standard thus forced upon the country by the necessities of the war has changed every day, and almost every hour of the day, for six years. The value of our paper dollar has passed by thousands of fluctuations from one hundred cents to thirty-five cents, and back again to seventy. During the war, in the midst of high prices and large profits, this fluctuation was tolerable. Now that we are making our way back toward old prices and more moderate gains, now that the pressure of hard times is upon us, this uncertainty in our standard of value is an almost intolerable evil. The currency, not being based upon a foundation of real and certain value, and possessing no element of self-adjustment, depends for its market value on a score of causes. It is a significant and humiliating fact that the business men of the nation are in constant dread of Congress. Will Congress increase the currency, or contract it? Will new greenbacks be issued with which to take up the bonds, or will new bonds be issued to absorb the greenbacks? Will the national banking system be perpetuated and enlarged, or will it be abolished to enable the general government to turn banker? These and a score of kindred questions are agitating the public mind, and changing our standard of value with every new turn in the tide of Congressional opinion. Monday is a dangerous day for the business of this country while Congress is in session. The broadside of financial resolutions fired from this House on that day could have no such effect as it now produces, if our currency were based on a firm foundation.

Observe how the people pay for this fluctuation of values. Importers, wholesale merchants, and manufacturers, knowing the uncertainties of trade which result from this changeable standard, raise their prices to cover risks; the same thing is done again by retail dealers and middle-men; and the whole burden falls at last upon the consumer, — the laboring man. And yet we hear honorable gentlemen singing the praises of cheap money! The vital and incurable evil of an inconvert-

ible paper currency is that it has no elasticity, — no quality whereby it adjusts itself to the necessities and contingencies of business.

But there is one quality of such a currency more remarkable than all others, — its strange power to delude men. The spells and enchantments of legendary witchcraft were hardly so wonderful. Most delusions cannot be repeated, — they lose their power after a full exposure; but not so with irredeemable paper money. From the days of John Law its history has been a repetition of the same story, with only this difference: no nation now resorts to its use except from overwhelming necessity; but whenever any nation is fairly embarked, it floats on the delusive waves, and, like the lotus-eating companions of Ulysses, wishes to return home no more.

Into this very delusion many of our fellow-citizens and many members of this House have fallen. Hardly a member of either House of the Thirty-seventh or Thirty-eighth Congress spoke on the subject who did not deplore the necessity of resorting to inconvertible paper money, and protest against its continuance a single day beyond the inexorable necessities of the war. The remarks of Mr. Fessenden, when he reported the first legal-tender bill from the Finance Committee of the Senate, in February, 1862, fully exhibit the sentiment of Congress at that time. He assured the country that the measure was not to be resorted to as a policy; that it was what it professed to be, a temporary expedient; that he agreed with the declaration of the chairman of the Committee of Ways and Means of the House, that it was not contemplated to issue more than $150,000,000 of legal-tender notes. Though he aided in passing the bill, he uttered a warning, the truth and force of which few then questioned. He said: —

"All the opinions that I have heard expressed agree in this, that only with extreme reluctance, only with fear and trembling as to the consequences, can we have recourse to a measure like this of making our paper a legal tender in the payment of debts. . . . .

"All the gentlemen who have spoken on the subject, and all pretty much who have written on the subject, except some wild speculators in currency, have declared that, as a policy, it would be ruinous to any people; and it has been defended, as I have stated, simply and solely upon the ground that it is to be a single measure standing by itself, and not to be repeated. . . . .

"Again, sir, it necessarily changes the values of all property. It is very well known that all over the world gold and silver are recognized as

money, as currency; they are the measure of value. We change it here. What is the result? Inflation, subsequent depression, — all the evils which follow from an inflated currency. They cannot be avoided; they are inevitable; the consequence is admitted. Although the notes, to be sure, pass precisely at par, gold appreciates, property appreciates, — all kinds of property." [1]

This, I repeat, was the almost unanimous sentiment of the Thirty-seventh Congress; and though subsequent necessity compelled both that and the Thirty-eighth Congress to make new issues of paper, yet the danger was always confessed, and the policy and purpose of speedy resumption were kept steadily in view. So anxious were the members of the Thirty-eighth Congress that the temptation to new issues should not overcome them or their successors, that they bound themselves by a kind of financial temperance pledge that there never should be a further increase of legal-tender notes. Witness the following clause of the Loan Act of June 30, 1864: —

"SEC. 2. . . . *Provided*, That the total amount of bonds and Treasury notes authorized by the first and second sections of this act shall not exceed $400,000,000 in addition to the amounts heretofore issued; nor shall the total amount of United States notes, issued or to be issued, ever exceed $400,000,000, and such additional sum, not exceeding $50,000,000, as may be temporarily required for the redemption of temporary loan."

Here is a solemn pledge to the public creditors, a compact with them, that the government will never issue non-interest-paying notes beyond the sum total of $450,000,000. When the war ended, the Thirty-ninth Congress, adopting the views of its predecessors on this subject, regarded the legal-tender currency a part of the war machinery, and proceeded to reduce and withdraw it in the same manner in which the army and navy and other accompaniments of the war were reduced. Ninety-five gentlemen who now occupy seats in this Hall were members of this House on the 18th of December, 1865, when it was resolved, by a vote of 144 yeas to 6 nays, —

"That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge co-operative action to this end as speedily as practicable."

[1] Congressional Globe, Feb. 12, 1862, pp. 763–765.

Since the passage of that resolution, the currency has been reduced by an amount less than one sixth of its volume, and what magic wonders have been wrought in the opinions of members of this House and among the financial philosophers of the country? A score of honorable gentlemen have exhausted their eloquence in singing the praises of greenbacks. They insist that, at the very least, Congress should at once set the printing-presses in motion to restore the $70,000,000 of national treasure so ruthlessly reduced to ashes by the incendiary torch of the Secretary of the Treasury. One, claiming that this would be a poor and meagre offering to the offended paper god, introduces a bill to print and issue $140,000,000 more. The philosopher of Lewiston, the Democratic representative of the Ninth District of Illinois,[1] thinks that a new issue of $700,000,000 will for the present meet the wants of the country. Another, perceiving that the national-bank notes are dividing the honors with greenbacks, proposes to abolish these offending corporations, and, in lieu of their notes, issue $300,000,000 in greenbacks, and thus increase the active circulation by over one hundred millions, — the amount now held as bank reserves. And, finally, the Democratic masses of the West are rallying under the leadership of the coming man, the young statesman of Cincinnati, who proposes to cancel with greenbacks the $1,500,000,000 of five-twenty bonds, and with his election to the Presidency usher in the full millennial glory of paper money! And this is the same George H. Pendleton who denounced as unconstitutional the law which authorized the first issue of greenbacks, and concluded an elaborate speech against the passage of the bill in 1862 with these words: —

"You send these notes out into the world stamped with irredeemability. You put on them the mark of Cain, and, like Cain, they will go forth to be vagabonds and fugitives on the earth. What, then, will be the consequence? It requires no prophet to tell what will be their history. The currency will be expanded; prices will be inflated; fixed values will depreciate; incomes will be diminished; the savings of the poor will vanish; the hoardings of the widow will melt away; bonds, mortgages, and notes, everything of fixed value, will lose their value; everything of changeable value will be appreciated; the necessaries of life will rise in value. . . . . Contraction will follow. Private ruin and public bankruptcy, either with or without repudiation, will inevitably follow."[2]

[1] Mr. Ross. [2] Congressional Globe, Jan. 29, 1862, p. 551.

The chief cause of this new-born zeal for paper money is the same as that which led a member of the Continental Congress to exclaim: "Do you think, gentlemen, that I will consent to load my constituents with taxes, when we can send to our printer and get a wagon-load of money, one quire of which will pay for the whole?"

The simple fact in the case is that Congress went resolutely and almost unanimously forward in the policy of gradual resumption of specie payments, and a return to the old standard of values, until the pressure of falling prices and hard times began to be felt; and now many are shrinking from the good work they have undertaken, are turning back from the path they so worthily resolved to pursue, and are asking Congress to plunge the nation deeper than ever into the abyss from which it has been struggling so earnestly to escape. Did any reflecting man suppose it possible for the country to return from the high prices, the enormous expansion of business, debt, and speculation occasioned by the war, without much depression and temporary distress? The wit of man has never devised a method by which the vast commercial and industrial interests of a nation can suffer the change from peace to war, and from war back to peace, without hardship and loss. The homely old maxim, "What goes up must come down," applies to our situation with peculiar force. The "coming down" is inevitable. Congress can only break the fall and mitigate its evils by adjusting the taxation, the expenditures, and the currency of the country to the changed conditions of affairs. This it is our duty to do with a firm and steady hand.

Much of this work has already been done. Our national expenditures have been very considerably reduced, but the work of retrenching expenditures can go, and should go, much further. Very many, perhaps too many, of our national taxes have been removed. But if this Congress shall consent to break down the dikes, and let in on the country a new flood of paper money for the temporary relief of business, we shall see all the evils of our present situation return after a few months with redoubled force. It is my clear conviction that the most formidable danger with which the country is now threatened is a large increase in the volume of paper money.

Shall we learn nothing from experience? Shall the warnings of the past be unheeded? What other nation has so painfully

spelled out, letter by letter and word by word, the terrible meaning of irredeemable paper money, whether known by the name of Colonial bills, Continental currency, or notes of dishonored banks? Most of the Colonies had suffered untold evils from depreciated paper before the Revolution. Massachusetts issued her first bills of credit in 1690 to meet a war debt, and after sixty years of vain and delusive efforts to make worthless paper serve the purposes of money, found her industry perishing under the weight of Colony bills equal in nominal value to $11,000,000, which, though made a legal tender and braced up by the severest laws, were worth but twelve per cent of their face. So in 1750, under the lead of Hutchinson, a far-sighted and courageous statesman, she resumed specie payment, cancelled all her bills, prohibited by law the circulation of paper money within her borders, and made it a crime punishable by a fine of £100 for any Governor to approve any bill to make it a legal tender. For the next quarter of a century Massachusetts enjoyed the blessings of a sound currency. Rhode Island clung to the delusion many years longer. More than one hundred pages of Arnold's History of that Colony are devoted to portraying the distress and confusion resulting from this cause alone. The history of every Colony that issued bills is a repetition of the same sad story.

The financial history of the Revolution is too familiar to need repetition here, but there are points in that history of which an American Congress cannot be too often reminded. Nowhere else were all the qualities of irredeemable paper money so fully exhibited. From the first emission of $2,000,000, in 1775, till the last, in 1781, when $360,000,000 had been issued, there appeared to be a purpose, perpetually renewed but always broken, to restrict the amount and issue no more. Each issue was to be the last. But notwithstanding the enormous volume reluctantly put in circulation, our fathers seemed to believe that its value could be kept up by legislation. They denounced in resolutions of Congress the first depreciation of these bills as the work of enemies; and in January, 1776, resolved, "That if any person shall hereafter be so lost to all virtue and regard for his country as to refuse to receive said bills in payment, etc., he shall be treated as an enemy of his country, and precluded from all trade or intercourse with the inhabitants of these Colonies."

But they found before the struggle ended that the inexorable

laws of value were above human legislation; that resolutions cannot nullify the truths of the multiplication table. The bills passed nearly at par until the issues exceeded $9,000,000. At the end of 1776 they were worth seventy-five per cent of their nominal value; at the end of 1777, twenty-five; at the end of 1778, sixteen; at the end of 1779, two and a half; and at the end of 1780 they were worth but one cent on the dollar. Four months later $500 in Continental bills was selling for one dollar in specie. Pelatiah Webster, in 1791, said: —

"The fatal error that the credit and currency of Continental money could be kept up and supported by acts of compulsion entered so deep into the mind of Congress and of all departments of administration through the States, that no considerations of justice, religion, or policy, or even experience of its utter inefficacy, could eradicate it: it seemed to be a kind of obstinate delirium, totally deaf to every argument drawn from justice and right, from its natural tendency and mischief, from common sense and even common safety. . . . . This ruinous principle was continued in practice for five successive years, and appeared in all shapes and forms, i. e. legal-tender acts, limitations of prices, in awful and threatening declarations, in penal laws with dreadful and heinous punishments. . . . . Many thousand families of full and easy fortune were ruined by these fatal measures, and lie in ruins to this day, without the least benefit to the country, or to the great and noble cause in which we were then engaged." [1]

In summing up the evils of the Continental currency, after speaking of the terrible hardships of the war, the destruction of property by the enemy, who at times during its progress held eleven out of the thirteen State capitals, Mr. Webster, who had seen it all, said: —

"Yet these evils were not as great as those which were caused by Continental money and the consequent irregularities of the financial system. We have suffered from this cause more than from every other cause of calamity; it has killed more men; pervaded and corrupted the choicest interests of our country more, and done more injustice than even the arms and artifices of our enemies."

But let it never be forgotten that the fathers of the Revolution saw, at last, the fatal error into which they had fallen; and even in the midst of their great trials restored to the young nation, then struggling for its existence, its standard of value, its basis for honest and honorable industry. In 1781 Robert

[1] Political Essays, etc., (Philadelphia, 1791,) pp. 128, 129, *note*.

Morris was appointed Superintendent of Finance. He made a return to specie payments the condition of his acceptance; and on the 22d of May Congress declared "that the calculations of the expenses of the present campaign shall be made in solid coin"; and "that, experience having evinced the inefficiency of all attempts to support the credit of paper money by compulsory acts, it is recommended to such States, where laws making paper bills a tender yet exist, to repeal the same." Thus were the financial interests of the nation rescued from dishonor and utter ruin.

The state of the currency from the close of the war to the establishment of the government under the Constitution was most deplorable. The separate States had been seized with the mania for paper money, and were rivalling each other in the extravagance of their issues and the rigor of their financial laws. One by one they were able at last to conquer the evils into which paper money had plunged them. In 1786 James Madison wrote from Richmond to General Washington the joyful news that the Virginia Legislature had, by a majority of eighty-four to seventeen, voted "paper money unjust, impolitic, destructive of public and private confidence, and of that virtue which is the basis of republican government."

The paper money of Massachusetts was the chief cause of Shays's rebellion. The paper money of Rhode Island kept that State for several years from coming into the Union.

Nearly half a century afterwards, Daniel Webster, reviewing the financial history of the period now under consideration, said: "From the close of the war to the time of the adoption of this Constitution, as I verily believe, the people suffered as much, except in loss of life, from the disordered state of the currency and the prostration of commerce and business, as they suffered during the war."

With such an experience, it is not wonderful that the framers of our Constitution should have undertaken to protect their descendants from the evils that they had themselves endured.

By reference to the Madison Papers,[1] it will be seen that in the first draft of the Constitution there was a clause giving Congress the power "to borrow money, and emit bills, on the credit of the United States." On the 16th of August, 1787, on the final revision, Gouverneur Morris moved to strike out the

[1] Elliot's Debates, Vol. V. pp. 130, 378.

clause authorizing the emission of bills. Mr. Madison thought it would be sufficient to forbid their being made a tender. Mr. Ellsworth "thought this a favorable moment to shut and bar the door against paper money. The mischiefs of the various experiments which had been made were now fresh in the public mind, and had excited the disgust of all the respectable part of America." Mr. Read "thought the words, if not struck out, would be as alarming as the mark of the beast in Revelation." Mr. Langdon "had rather reject the whole plan than retain the three words 'and emit bills.'" The clause was stricken out by a vote of nine States to two.[1] August 28, Roger Sherman, remarking that "this is a favorable crisis for crushing paper money," moved to prohibit the States from emitting bills of credit, or making anything but gold and silver coin a tender in payment of debts. This clause was placed in the Constitution by a vote of eight States to two.[2] Thus our fathers supposed they had protected us against the very evil which now afflicts the nation.

The doctrines which I am advocating in reference to the evils of an inconvertible currency are strongly corroborated by the financial experience of Great Britain. One of the ablest of English writers on finance thus sums up the history of panics and commercial distress: —

"From the undue or unnecessary increase of the currency, which could not take place if the whole were metallic, we have the origin and sole cause of general speculation and overtrading, which proceed with its increase, and in their progress demand or require new additions to the circulation and credit; and, from the consequent facility of obtaining credit, may far outstrip the actual increase of the currency; a state of things that cannot be prolonged beyond the safety of the Bank,[3] which again depends on the stock of her treasure; the issues are then contracted, this is followed by the contraction of the country circulation, credit is destroyed, and suddenly our market assumes the appearance of low prices, overproduction, or indefinite supply. If this principle is applied to the contraction of our currency in 1815 and 1816, with the low prices that followed; its extension in 1817 and 1818, and the general speculation, overtrading, and high prices that succeeded; and, again, to its contraction in 1819, 1820, 1821, and 1822, and the general complaint of abundance of foreign and home produce and low prices that continued throughout these years; and lastly to the increase of the currency in 1824 and part of 1825, with the accompanying rage of

[1] Elliot's Debates, Vol. V. p. 435. [2] Ibid., Vol. V. p. 485.
[3] The Bank of England.

speculation, overtrading, and high prices that followed, we see the establishment of the principle in all its forms and effects."[1]

To review briefly the ground travelled over: we have seen that the hard times and depression of business which the country is now suffering were caused in the first instance by the great industrial revolution which grew out of the war, and that its evils have been aggravated and are in danger of being indefinitely continued by the unsettled condition of our currency, and by the uncertainty of Congressional legislation; that we have not now, and, without decisive legislation, cannot have, a fixed standard of value, and therefore all trade and business are at the mercy of political sensations and business intrigues, the evils of which fall heaviest upon the laboring man; that the greatest financial danger which threatens us is that some of the schemes now before Congress may result in a large increase of irredeemable paper money, for which there can be no defence except such an overwhelming necessity as compelled Congress to use it, in the moment of supreme peril, to save the life of the nation; that history is full of warnings against such a policy; that during our Colonial period, during the war of the Revolution, and after the war, our fathers tested and practically exploded the very theories now in vogue respecting paper money, and attempted so to frame the Constitution as to shield us from the calamities that they suffered; and finally, that these views are fully confirmed by the financial history of England. From these considerations it appears to me that the first step toward a settlement of our financial and industrial affairs should be to adopt and declare to the country a fixed and definite policy, so that industry and enterprise may be based upon confidence; so that men may know what to expect from the government; and, above all, that the course of business may be so adjusted that it shall be governed by the laws of trade, and not by the caprice of any man or of any political party in or out of Congress.

What has the Fortieth Congress done in reference to this subject? Thus far, nothing has been done, except to abandon the policy which we have been pursuing for the past two years. By joint resolution of January 23, 1868, it was ordered that there shall be no further contraction of the currency; but the Committee of Ways and Means not only did not indicate what policy

[1] Mushet: An Attempt to explain the Effect of the Issues of the Bank of England, (London, 1826,) pp. 182, 183.

they should recommend, but they gave no reasons for the measure they reported, nor did they allow any debate or question by others. I voted against that resolution, not because I was in favor of continuing without change the policy we were then pursuing, but because I believed, as has since been manifest, that a large party in this House intended not to stop there, but to make that resolution the first step toward inflation. Against that policy I made the only protest left to me, by voting against the first measure in the programme.

That contraction of the currency tended toward specie payments, few will deny; but that there were serious evils connected with it is also manifest. The element of uncertainty was the chief evil. It was never known whether the Secretary of the Treasury would use the power placed in his hands during any given month, or not; and the stringency caused by contraction was always anticipated and generally exaggerated. The actual contraction had far less influence on business than the expectation of it. In connection with this policy, the efforts of the Secretary to keep the gold market steady by sales from the Treasury increased the uncertainty, and led to a very general feeling that it was unwise to put the control of business and prices, to so great an extent, in the hands of any one man; especially of one so involved in the political antagonisms of the hour as the present Secretary.

The financial schemes and plans now before Congress are so numerous and so contradictory as to give us little hope that any comprehensive policy can be agreed upon at present. For myself, I have but little faith in panaceas, — in remedies which will cure all evils, — in any one plan which will reach all the difficulties of our situation. Above all, it seems to me unwise to complicate the questions that are pressing for immediate solution with those which refer to subjects not yet ripe for action. For example, I have not yet seen the wisdom of making the redemption of the five-twenty bonds — not one of which is payable for fourteen years to come — a prominent element in our legislation at this time. In the midst of so many difficulties, it is better to do one thing at a time, and to do it carefully and thoroughly.

On the 10th of February I introduced a bill which, if it should become a law, will, I believe, go far toward restoring confidence and giving stability to business; and will lay the foundation on which a general financial policy may be based,

whenever opinions are so harmonized as to make a general policy possible. As the bill is short, I will quote it entire, and call attention for a few moments to its provisions: —

"A Bill to provide for a gradual return to Specie Payments.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the 1st day of December, 1868, the Secretary of the Treasury be, and he is hereby, authorized and directed to pay gold coin of the United States for any legal-tender notes of the United States which may be presented at the office of the Assistant Treasurer, at New York, at the rate of one dollar in gold for one dollar and thirty cents in legal-tender notes. On and after the 1st day of January, 1869, the rate shall be one dollar in gold for one dollar and twenty-nine cents in legal-tender notes; and at the beginning of and during each succeeding month the amount of legal-tender notes required in exchange for one dollar in gold shall be one cent less than the amount required during the preceding month, until the exchange becomes one dollar in gold for one dollar in legal-tender notes; and on and after the 1st day of June, 1871, the Secretary of the Treasury shall exchange gold for legal-tender notes, dollar for dollar: Provided, that nothing in this act shall be so construed as to authorize the retirement or cancellation of any legal-tender notes of the United States."

To all plans hitherto proposed it has been objected that the vast amount of public debt yet to be funded, and the still larger amount of private indebtedness, the value of which would be changed in favor of the creditor and against the debtor, made it impossible to return to specie payments without great loss both to the government and to the debtor class. I have no doubt that an immediate or sudden resumption of payments would prove a heavy shock to business, and very greatly disturb the present scale of values. These objections are almost wholly avoided in the bill I have proposed, by making the return gradual; and the time when the process is to begin is placed so far ahead as to give full notice and allow the country to adjust its business to the provisions of the act. By the 1st of December next, the floating and temporary debt of the United States will be funded, in accordance with laws already in operation; the excitement and derangement of business incident to a Presidential election will be over, and we ought to be ready at that time, if ever, to take decisive steps toward the old paths. I do not doubt that, in anticipation of the operation of this measure,

should it become a law, gold would be at 130, or lower, by the 1st of December, and that very little would be asked for, from the Treasury, in exchange for currency. At the beginning of each succeeding month, the exchange between gold and greenbacks would be reduced one cent, and specie payments would be fully resumed in June, 1871. That the country is able to resume by that time will hardly be denied. With the $100,000,000 of gold now in the Treasury, and the amount received from customs, which averages nearly half a million per day, it is not at all probable that we should need to borrow a dollar in order to carry out the provisions of the law.

But taking the most unfavorable aspect of the case, and supposing that the government should find it necessary to authorize a gold loan, the expense would be trifling compared with the resulting benefits to the country. The proposed measure would incidentally bring all the national banks to the aid of the government in the work of resumption. The banks are required by law to redeem their own notes in greenbacks. They now hold in their vaults, as a reserve required by law, $162,000,000, of which sum $114,000,000 is in greenbacks. Being compelled to pay the same price for their own notes as for greenbacks, they would gradually accumulate a specie reserve, and would be compelled to keep abreast of the government in every step of the progress toward resumption. The necessity of redeeming their own notes would keep their circulation nearer home, and would more equally distribute the currency of the country, which now concentrates at the great money centres, and produces scarcity in the rural districts. This measure would not at once restore the old national standard of value, but it would give stability to business and confidence to business men everywhere. Every man who contracts a debt would know what the value of a dollar would be when the debt became due. The opportunity now afforded to Wall Street gamblers to run up and run down the relative price of gold and greenbacks would be removed. The element of chance, which now vitiates our whole industrial system, would in great part be eliminated.

If this measure be adopted, it will incidentally settle several of our most troublesome questions. It will end the war between the contractionists and the inflationists, — a war which, like that of Marius and Sylla, may prove almost fatal to the interests of the country, whichever side prevails. The amount of paper money

will regulate itself, and may be unlimited, so long as every dollar is convertible into specie at the will of the holder.

The still more difficult question of paying our five-twenty bonds would be avoided, — completely flanked by this measure. The money paid to the wounded soldier, and to the soldier's widow, would soon be made equal in value to the money paid to all other creditors of the government.

It will be observed that the bill does not authorize the cancellation or retirement of any United States notes. It is believed that, for a time at least, the volume of the currency may safely remain as it now is. When the measure has been in force for some time it will be seen whether the increased use of specie for purposes of circulation will not allow a gradual reduction of the legal-tender notes. This can be safely left to subsequent legislation. It will facilitate the success of this plan, if Congress will pass a bill to legalize contracts hereafter made for the payment of coin. If this be done, many business men will conduct their affairs on a specie basis, and thus retain at home much of our gold that now goes abroad.

I have not been ambitious to add another to the many financial plans proposed to this Congress, much less have I sought to introduce a new and untried scheme. On the contrary, I regard it a strong recommendation of this measure that it is substantially the same as that by which Great Britain resumed specie payments, after a suspension of nearly a quarter of a century.

The situation of England at that time was strikingly similar to our present situation. She had just emerged from a great war, in which her resources had been taxed to the utmost. Business had been expanded, and high prices prevailed. Paper money had been issued in unusual volume, was virtually a legal tender, and had depreciated to the extent of twenty-five per cent. Every financial evil from which we now suffer prevailed there, and was aggravated by having been longer in operation. Plans and theories without end were proposed to meet the many difficulties of the case. For ten years the Bank of England and the majority in Parliament vehemently denied that paper money had depreciated, notwithstanding the unanswerable report of the Bullion Committee of 1810, and the undeniable fact that it took twenty-five per cent more of notes than of coin to buy an ounce of gold. Many insisted that paper was a better standard

of value than coin. Some denounced the attempt to return to specie as unwise; others as impossible. William Cobbett, the famous pamphleteer, announced that he would give himself up to be broiled on a gridiron whenever the Bank should resume cash payments; and for many years kept the picture of a gridiron at the head of his Political Register, to remind his readers of his prophecy. Every phase of the question was discussed by the best minds of the kingdom, in and out of Parliament, for more than ten years; and in May, 1819, under the lead of Sir Robert Peel, a law was passed fixing the time and mode of resumption.

It provided that on the 1st of February, 1820, the Bank should give, in exchange for its notes, gold bullion, in quantities not less than sixty ounces, at the rate of 81*s.* per ounce; that from the 1st of October, 1820, the rate should be 79*s.* 6*d.*; from the 1st of May, 1822, 79*s.* 10½*d.*; and on the 1st of May, 1823, the Bank should redeem all its notes in coin, whatever the amount presented. The passage of the act gave once more a fixed and certain value to money; and business so soon adjusted itself to the measure in anticipation that specie payments were fully resumed on the 1st of May, 1821, two years before the time fixed by the law. Forty-seven years have elapsed since then, and the verdict of history has approved the wisdom of the act, notwithstanding the clamor and outcry which at first assailed it. So plainly does this lesson apply to us that, in the preface to one of the best histories of England recently published, the author, who is an earnest friend of the United States, says: —

"It seems to me that no thoughtful citizen of any nation can read the story of the years before and after Peel's bill of 1819, extending over the crash of 1825–26, without the strongest desire that such risks and calamities may be avoided in his own country, at any sacrifice. There are several countries under the doom of retribution for the license of an inconvertible paper currency; and of these the United States are unhappily one. This passage of English history may possibly help to check the levity with which the inevitable 'crash' is spoken of by some who little dream what the horrors and griefs of such a convulsion are. It may do more, if it should convince any considerable number of observers that the affairs of the economic world are as truly and certainly under the control of natural laws as the world of matter without, and that of mind within." [1]

This testimony of a friend is worthy our profoundest consideration.

[1] Harriet Martineau: History of the Peace, (Boston, 1864,) Vol. I. p. 8.

I will make no apology for the length to which I have extended these remarks. The importance of the subject demanded it. The decision we shall reach on this question will settle or unsettle the foundations of public credit, of the public faith, and of individual and national prosperity. The time and manner of paying the bonds, the refunding the national debt, the continuance or abolition of the national banks, and many other propositions, depend for their wisdom or unwisdom on the settlement of this question. I know we are told that resumption of specie payments will increase the value of the public debt, and thus add to the burden of taxation; and we are told, with special emphasis, that the people will not tolerate any increase of their burdens, but that they demand plenty of money and a return of high prices. But, sir, I have learned to think better of the American people than to believe that they are not willing to know the worst and to provide for it. I remember that, after the first defeat at Bull Run, many officers of the government thought it not safe to let the people know, at once, the full extent of the disaster; but that the news should be broken gently, that the nation might be better able to bear it. Long before the close of the war, it was found that Cabinet and Congress and all the officers of the United States needed for themselves to draw hope and courage from the great heart of the people. It was only necessary for the nation to know the extent of the danger, the depth of the need, and its courage, faith, and endurance were always equal to the necessity. It is now, as ever, our highest duty to deal honestly and frankly with the people who sent us here, in reference to their financial and industrial affairs; to assure them that the path of safety is a narrow and rugged one; that by economy and prudence, by much patience and some suffering, they must come down, by slow and careful steps, from the uncertain and dangerous height to which the war carried them, or they will fall at last in financial ruin more sudden and calamitous than any yet recorded in the history of mankind. Let it be remembered, also, that the heaviest of the pressure has already been felt; the climax of suffering is already past. The spring has opened with better prospects, and indications are not wanting that the end of stagnation and depression is near. The hitherto unknown extent of our resources, the great recuperative energies of our industry, and the generous loyalty of the people, have brought the nation safely

thus far through the dangers and difficulties of the rebellion. Patience and steady firmness maintained here and among the people a little longer will overcome the obstacles that yet lie before us.

For my own part, my course is taken. In view of all the facts of our situation; of all the terrible experiences of the past, both at home and abroad; and of the united testimony of the wisest and bravest statesmen who have lived and labored during the last century, it is my firm conviction that any considerable increase of the volume of our inconvertible paper money will shatter public credit, will paralyze industry and oppress the poor; and that the gradual restoration of our ancient standard of value will lead us, by the safest and surest path, to national prosperity and the steady pursuits of peace.

STREWING FLOWERS ON THE GRAVES OF UNION SOLDIERS.

ORATION DELIVERED AT ARLINGTON, VIRGINIA,

MAY 30, 1868.

"He has not died young who has lived long enough to die for his country." — *Schiller.*

MR. PRESIDENT, — I am oppressed with a sense of the impropriety of uttering words on this occasion. If silence is ever golden, it must be here beside the graves of fifteen thousand men, whose lives were more significant than speech, and whose death was a poem, the music of which can never be sung. With words we make promises, plight faith, praise virtue. Promises may not be kept; plighted faith may be broken; and vaunted virtue be only the cunning mask of vice. We do not know one promise these men made, one pledge they gave, one word they spoke; but we do know they summed up and perfected, by one supreme act, the highest virtues of men and citizens. For love of country, they accepted death, and thus resolved all doubts, and made immortal their patriotism and their virtue. For the noblest man that lives, there still remains a conflict. He must still withstand the assaults of time and fortune, — must still be assailed with temptations, before which lofty natures have fallen; but with these, the conflict ended, the victory was won, when death stamped on them the great seal of heroic character, and closed a record which years can never blot.

I know of nothing more appropriate on this occasion than to inquire what brought these men here. What high motive led them to condense life into an hour, and to crown that hour by joyfully welcoming death? Let us consider.

Eight years ago this was the most unwarlike nation of the earth. For nearly fifty years no spot in any of these States

had been the scene of battle. Thirty millions of people had an army of less than ten thousand men. The faith of our people in the stability and permanence of their institutions was like their faith in the eternal course of nature. Peace, liberty, and personal security were blessings as common and universal as sunshine and showers and fruitful seasons; and all sprang from a single source, — the old American principle that all owe due submission and obedience to the lawfully expressed will of the majority. This is not one of the doctrines of our political system, — it is the system itself. It is our political firmament, in which all other truths are set, as stars in heaven. It is the encasing air, the breath of the nation's life. Against this principle the whole weight of the rebellion was thrown. Its overthrow would have brought such ruin as might follow in the physical universe if the power of gravitation were destroyed, and,

> "Nature's concord broke,
> Among the constellations war were sprung,
> And planets, rushing from aspect malign
> Of fiercest opposition, in mid-sky
> Should combat, and their jarring spheres confound."

The nation was summoned to arms by every high motive which can inspire men. Two centuries of freedom had made its people unfit for despotism. They must save their government, or miserably perish.

As a flash of lightning in a midnight tempest reveals the abysmal horrors of the sea, so did the flash of the first gun disclose the awful abyss into which rebellion was ready to plunge us. In a moment the fire was lighted in twenty million hearts. In a moment we were the most warlike nation on the earth. In a moment we were not merely a people with an army, — we were a people in arms. The nation was in column, — not all at the front, but all in the array.

I love to believe that no heroic sacrifice is ever lost; that the characters of men are moulded and inspired by what their fathers have done; that treasured up in American souls are all the unconscious influences of the great deeds of the Anglo-Saxon race, from Agincourt to Bunker Hill. It was such an influence that led a young Greek, two thousand years ago, when musing on the battle of Marathon, to exclaim, "The trophies of Miltiades will not let me sleep!" Could these men be silent in 1861, — these, whose ancestors had felt the inspiration of battle

on every field where civilization had fought in the last thousand years? Read their answer in this green turf. Each for himself gathered up the cherished purposes of life, — its aims and ambitions, its dearest affections, — and flung all, with life itself, into the scale of battle.

We began the war for the Union alone; but we had not gone far into its darkness before a new element was added to the conflict, which filled the army and the nation with cheerful but intense religious enthusiasm. In lessons that could not be misunderstood, the nation was taught that God had linked to our own the destiny of an enslaved race, — that their liberty and our Union were indeed "one and inseparable." It was this that made the soul of John Brown the marching companion of our soldiers, and made them sing as they went down to battle, —

> "In the beauty of the lilies Christ was born, across the sea,
> With a glory in his bosom that transfigures you and me;
> As he died to make men holy, let us die to make men free,
> While God is marching on."

With such inspirations, failure was impossible. The struggle consecrated, in some degree, every man who bore a worthy part. I can never forget an incident illustrative of this thought, which it was my fortune to witness, near sunset of the second day at Chickamauga, when the beleaguered but unbroken left wing of our army had again and again repelled the assaults of more than double their numbers, and when each soldier felt that to his individual hands were committed the life of the army and the honor of his country. It was just after a division had fired its last cartridge, and had repelled a charge at the point of the bayonet, that the great-hearted commander took the hand of an humble soldier and thanked him for his steadfast courage. The soldier stood silent for a moment, and then said, with deep emotion: "George H. Thomas has taken this hand in his. I'll knock down any mean man that offers to take it hereafter." This rough sentence was full of meaning. He felt that something had happened to his hand which consecrated it. Could a hand bear our banner in battle, and not be forever consecrated to honor and virtue? But doubly consecrated were these who received into their own hearts the fatal shafts aimed at the life of their country. Fortunate men! your country lives because you died! Your fame is placed where the breath of

calumny can never reach it; where the mistakes of a weary life can never dim its brightness! Coming generations will rise up to call you blessed!

And now, consider this silent assembly of the dead. What does it represent? Nay, rather, what does it not represent? It is an epitome of the war. Here are sheaves reaped, in the harvest of death, from every battlefield of Virginia. If each grave had a voice to tell us what its silent tenant last saw and heard on earth, we might stand, with uncovered heads, and hear the whole story of the war. We should hear that one perished when the first great drops of the crimson shower began to fall, when the darkness of that first disaster at Manassas fell like an eclipse on the nation; that another died of disease while wearily waiting for winter to end; that this one fell on the field, in sight of the spires of Richmond, little dreaming that the flag must be carried through three more years of blood before it should be planted in that citadel of treason; and that one fell when the tide of war had swept us back till the roar of rebel guns shook the dome of yonder Capitol, and re-echoed in the chambers of the Executive mansion. We should hear mingled voices from the Rappahannock, the Rapidan, the Chickahominy, and the James, solemn voices from the Wilderness, and triumphant shouts from the Shenandoah, from Petersburg, and the Five Forks, mingled with the wild acclaim of victory and the sweet chorus of returning peace. The voices of these dead will forever fill the land like holy benedictions.

What other spot so fitting for their last resting-place as this, under the shadow of the Capitol saved by their valor? Here, where the grim edge of battle joined, — here, where all the hope and fear and agony of their country centred, — here let them rest, asleep on the nation's heart, entombed in the nation's love!

The view from this spot bears some resemblance to that which greets the eye at Rome. In sight of the Capitoline Hill, up and across the Tiber, and overlooking the city, is a hill, not rugged nor lofty, but known as the Vatican Mount. At the beginning of the Christian era an imperial circus stood on its summit. There gladiator slaves died for the sport of Rome, and wild beasts fought with wilder men. There a Galilean fisherman gave up his life a sacrifice for his faith. No human life was ever so nobly avenged. On that spot was reared the proudest Christian temple ever built by human hands. For its adorn-

ment the rich offerings of every clime and kingdom have been contributed. And now, after eighteen centuries, the hearts of two hundred million people turn towards it with reverence when they worship God. As the traveller descends the Apennines, he sees the dome of St. Peter's rising above the desolate Campagna and the dead city, long before the seven hills and the ruined palaces appear to his view. The fame of the dead fisherman has outlived the glory of the Eternal City. A noble life, crowned with heroic death, rises above and outlives the pride and pomp and glory of the mightiest empire of the earth.

Seen from the western slope of our Capitol, in direction, distance, and appearance, this spot is not unlike the Vatican Mount, though the river that flows at our feet is larger than a hundred Tibers. Seven years ago this was the home of one who lifted his sword against the life of his country, and who became the great Imperator of the rebellion. The soil beneath our feet was watered by the tears of slaves, in whose hearts the sight of yonder proud Capitol awakened no pride, and inspired no hope. The face of the goddess that crowns it was turned towards the sea, and not towards them. But, thanks be to God, this arena of rebellion and slavery is a scene of violence and crime no longer! This will be forever the sacred mountain of our capital. Here is our temple: its pavement is the sepulchre of heroic hearts; its dome, the bending heaven; its altar candles, the watching stars.

Hither our children's children shall come to pay their tribute of grateful homage. For this are we met to-day. By the happy suggestion of a great society, assemblies like this are gathering at this hour in every State in the Union. Thousands of soldiers are to-day turning aside in the march of life to visit the silent encampments of dead comrades who once fought by their side. From many thousand homes, whose light was put out when a soldier fell, there go forth to-day to join these solemn processions loving kindred and friends, from whose heart the shadow of grief will never be lifted till the light of the eternal world dawns upon them. And here are children, little children, to whom the war left no father but the Father above. By the most sacred right, theirs is the chief place to-day. They come with garlands to crown their victor fathers. I will delay the coronation no longer.

TAXATION OF UNITED STATES BONDS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1868.

PROPOSITIONS to tax the bonds of the United States were common in the period reaching from the close of the war to the resumption of specie payments (1865 to 1879). Sometimes they sprang from the strong repudiation tendencies so rife in that period, and sometimes from an imperfect understanding of the legal and economical elements involved in the question. Several such schemes, differing in details but agreeing in the end to be reached, were brought forward in the House of Representatives in the second session of the Fortieth Congress. As the number of these schemes, and the hold that they took of the House and the country, led to the following speech, it will be well to mention several of them.

February 14, 1868, Mr. John A. Logan, of Illinois, introduced a bill providing that from and after the 1st of June, 1868, all United States bonds should pay an internal tax of two per cent per annum. As there was no apparent prospect of reaching this bill that session, Mr. F. A. Pike, of Maine, June 25, offered in Committee of the Whole the amendment to the Internal Tax Bill which is quoted in the following speech, and which was ruled out of order. The Holman amendment, offered the next day, making the rate of tax sixteen and two thirds per cent, was also ruled out. Mr. B. F. Butler, of Massachusetts, now moved to strike out certain words from one of the sections of the Tax Bill, the effect of which would be to make the bonds held by the national banks taxable at the rate of one half of one per cent per annum. This motion was the occasion upon which Mr. Pike made the remarks commented upon by Mr. Garfield in the following speech. June 29th, Mr. Amasa Cobb, of Wisconsin, offered this resolution: "That the Committee of Ways and Means be, and they are hereby, instructed to report without unnecessary delay a bill levying a tax of at least ten per cent on the interest of the bonds of the United States, to be assessed and collected annually by the Secretary of the Treasury, and such of his subordinates as may be charged with the duty of paying the interest on the bonded

indebtedness of the United States." After motions to lay this resolution on the table, and to refer it to the Committee of Ways and Means, had been voted down, it was adopted. July 2d, a bill was reported in harmony with this resolution, the committee taking pains to say in their report (quoted by Mr. Garfield below), that they acted only in obedience to positive orders, and that, as members of the House, they should resist the passage of the bill that they thus reported. No action was had upon this bill. July 14th, the House being in Committee of the Whole upon the state of the Union, Mr. Butler made a lengthy speech in advocacy of the principle involved. Mr. Garfield replied both to him and to Mr. Pike, also in committee, the day following.

"We denounce all forms of repudiation as a national crime; and the national honor requires the payment of the public indebtedness, *in the uttermost good faith*, to all creditors at home and abroad, *not only according to the letter, but the spirit, of the laws under which it was contracted.*" — *Republican Platform* (1868).

"We agreed to pay the interest specified in the bonds, and a rebate of interest is, so far, a repudiation of the contract. If we agreed to pay six per cent, let us pay it. Let us not pay five, and tell the creditors we have taken the other one per cent and put it into the national treasury. That is not keeping the public faith. We may as well deduct from the principal as from the interest." — *Speech of Hon. F. A. Pike in the House of Representatives, December* 17, 1867.

MR. CHAIRMAN, — I sympathize with every gentleman who has honored the speakers of the evening by sitting in this hall, with the mercury at ninety-three degrees, to listen to a financial debate. But the subject discussed last evening by the gentleman from Massachusetts [1] is of such transcendent importance, and the views he submitted to the House seem to me of so very singular a character in some of their aspects, that I feel justified in asking your attention to what I shall say in answer.

I ought to say that I had already prepared a brief in answer to a speech, not delivered, but printed by the gentleman from Maine,[2] on this same subject, not many days ago. And as the gentleman from Massachusetts, in his speech last evening, indorsed almost every position taken by the gentleman from Maine, especially his statements in regard to the history of English taxation as a precedent for the proposed measure, I can do no better than to consider, first, the points made by the gentleman from Maine, and then notice any special points made in addition by the gentleman from Massachusetts.

[1] Mr. Butler. [2] Mr. Pike.

I desire in the outset to disclaim any purpose or wish to exempt from its full and proper share of taxation any species of property in the United States, and least of all that kind of property which is not actively employed in the production of national wealth. I am not the defender of any particular class of property, or property-holders. I seek, rather, to defend the truth of history as it bears on this subject, and to defend our financial system from a most dangerous innovation, ruinous alike to the revenue and to the public credit.

Let us examine, for a moment, the history of the issue raised by these gentlemen, in order to ascertain precisely what it is.

The feeling has been, and still is, very general throughout the country, that the holders of our national bonds do not bear an equal share of the burdens of taxation, and many plans have been proposed to readjust our financial machinery so as to levy on that class of the community a heavier tax than they now pay. Nothing is more gratifying to a representative than to be able to meet and satisfy a popular demand. But how to meet this one lawfully, honestly, and wisely, has been, and still is, a matter of great difficulty. The Democratic party once proposed that the States should tax the bonds, as they tax real and personal property. But the law creating the bonds specially declares them exempt from all State and municipal taxation, and even if the law were silent on the subject, the Constitution of the United States interposes to prevent it. In a long line of judicial decisions, extending over nearly half a century, it has been again and again declared, by the Supreme Court, that such taxation is forbidden by the Constitution.

The payment of the bonds in depreciated paper currency has been another favorite plan for reaching the same result; but that dishonest scheme has been severely if not fatally damaged by the noble declarations of the Chicago Convention, and by the refusal of the late Democratic Convention to nominate the most prominent supporter of the scheme itself.[1]

Many other schemes, which I need not stop to enumerate, have been offered during the present session, looking to the same ultimate result, such as taxing the principal of the public debt by Congress, and other similar plans. I will only state particularly those propositions recently made that have resulted in the passage of a resolution by this House, which I believe

[1] Mr. George H. Pendleton, of Ohio.

the House will not sanction when it has maturely reviewed and considered the subject.

On the 25th of June, while the bank section of the internal revenue tax bill was before the House, the gentleman from Maine offered an amendment in these words: "That upon all interest arising from bonds of the United States there shall be levied, collected, and paid a duty of ten per cent on the amount of such interest, and the Treasurer of the United States, and such subordinate officers as shall be charged with the payment of interest, shall assess and collect the duty hereby levied." It was ruled out of order, as not germane to the bill then pending. The financial leader of the Democratic party on this floor[1] came to his support the next day, by offering a proposition differing from the above only in this, — that it fixed the rate of taxation at sixteen and two thirds per cent. This was also ruled out of order. Still later, the gentleman from Massachusetts offered an amendment to the bank section of the tax bill which was in order, and under the cover of which the three gentlemen discussed their several projects. Their labor was not lost, though another has reaped whatever of glory may be supposed to result from the enterprise. The substance of their schemes was embodied in a resolution of peremptory instructions to the Committee of Ways and Means to bring in a bill levying a direct tax of ten per cent on the interest of the public debt, and requiring the Secretary of the Treasury and his subordinates to withhold that amount when the coupons were presented for payment. This resolution was introduced into the House on the 29th of June by the gentleman from Wisconsin,[2] and was passed under the previous question, without a word of debate being permitted. Every Democrat present save one voted for it.

Though the desire has been very general, I may perhaps say almost universal, among the members of this Congress, to lay a heavier burden of taxation on the holders of bonds, yet the House had been restrained from such measures as the Cobb resolution by a sentiment deeply ingrained in the Anglo-Saxon character, that it is honest to pay what we fairly and lawfully promise, and dishonest to refuse. But the gentleman from Maine undertook to remove that difficulty by assuring the House that Great Britain has long been doing precisely

[1] Mr. Holman. [2] Mr. Cobb.

the thing he recommended. I have no doubt that many members, relying on the accuracy of the gentleman's statements, were relieved from ethical difficulties which would otherwise have prevented their voting for the resolution. The speech, though not delivered in full, was printed in the Globe, from manuscript elaborately prepared, and was directed to the defence of his proposed amendment, which I have already quoted. He offers what he calls three "reasons" in support of his proposition. His second and third are purely negative arguments, if arguments at all, and amount substantially to this: that as the Constitution *does not*, and Congress *cannot*, confer upon the States the power to tax the bonds of the United States, and as he and those who agree with him have hitherto been defeated in their attempts to levy a direct tax of one per cent on the capital of the public debt, there is no other method of reaching their object except the one now proposed; namely, to levy a direct tax on the interest of the public debt, by declaring that the government will hereafter pay but ninety per cent of the interest it has promised to pay.

The first and only positive one of his three "reasons" is *the English precedent.* This statement is most surprising. Doubtless many members were gratified to hear it; but I know of but one who indorsed it as true. The gentleman from Massachusetts, a few days after, in speaking of the Cobb resolution, said, "The tax which the resolution proposes is the same as the English government imposes on its bonds."

That a gentleman in the heat of debate, or without reflection, should make such a statement, would not be remarkable. But the gentleman from Maine undertook to speak by authority, giving quotations from the English statutes, and citations from financial history. He arranged his summary of the subject under five separate heads, and made his assertion as if with the full assurance of knowledge. After a careful examination, I am compelled to say that I have never seen so many misconceptions and perversions of so important a subject crowded into the same space. That I may do the gentleman no injustice, I quote his words: —

"The income statute of 5 Victoria is very elaborate, occupying a hundred and twenty pages, with minute details of different subjects of taxation and modes of collection.

"Schedule B provides that upon incomes from landed estates — and

from this source some of the largest English incomes are derived — there shall be levied two and a half pence upon every twenty shillings of value.

"Schedule C is as follows: 'Upon all profits arising from annuities, dividends, and shares of annuities payable to any person, body politic or corporate, company or society, whether corporate or not corporate, out of any public revenue, there shall be charged yearly for every twenty shillings of the amount thereof the sum of seven pence, without deduction.' . . . .

"The effect of these English statutes is, —

"1. A larger tax is assessed upon the holders of property in the public debt than upon the holders of landed estates.

"2. Every holder of the debt, whether resident in Great Britain or not, is assessed.

"3. As a portion of the public debt of England is in terminable annuities, to that extent the principal of the debt is taxed, and that whether the holder resides in Great Britain or abroad. Leon Levi, one of the most eminent of English writers on finance, mentions this specialty of British taxation.

"4. As the payment of the interest of the debt is intrusted to the Banks of England and Ireland, the East India and the South Sea Companies, and the Commissioners for the Reduction of the Debt, the effect of putting this tax into their hands to assess and collect is nearly the same as it would be in our case to deduct it from the coupons. I have, in my amendment, followed the idea of the British statute, and charged the Treasurer with these duties.

"5. Schedule C provides for payment of tax 'without deduction.' In case of other property, it is provided by the statute that income up to a certain amount is not taxed. In our case, all incomes under $1,000 are not taxed. The English limit is somewhat less.

"It is evident that my proposition is clearly within the English example."[1]

The gentleman owes it to the House and to the country to explain why he drew the authority for his statements from the statute of 5 and 6 Victoria, a statute passed in 1842, and, by its terms, to continue in force but three years; and which, with the exception of some of the administrative sections, was repealed fifteen years ago. The very passage which the gentleman quotes in reference to the taxation of interest on the public debt, is not now the law of England, and has not been for fifteen years.

MR. PIKE. If the gentleman will allow me, Sir Robert Peel's law of 1842 took this schedule from Pitt's law of 1803. Gladstone subse-

[1] Congressional Globe, June 26, 1868, pp. 3531, 3532.

quently adopted the same schedule. He amended the income law, but it was in particulars I did not comment upon. Consequently, the statements I quoted from Peel's law, and which were also in Gladstone's law, were properly quoted, because they are to-day the income law of Great Britain. The fact is, the law of 1842 is the income law that is usually quoted, unless as to the few particulars in which it was changed by Gladstone's law.

I will not linger on this point, but only repeat what I have already said, that the very section which the gentleman quoted was repealed fifteen years ago, and, except some of the administrative sections, Gladstone's law of 1853 has been the basis of all subsequent legislation on the subject. But against the gentleman's statements I bring charges far more serious than that of quoting a dead law. He has utterly misrepresented the law which he attempts to quote.

1. To prove his assertion that a larger tax is assessed on holders of property in the public debt than on holders of landed estates, he asserts that Schedule B taxes income on landed estates only two and one half pence in the pound; while Schedule C taxes interest on the public debt seven pence in the pound. On the very page of the statute from which he quoted stood, in plain print, the following: "*Schedule A.* For all lands, tenements, and hereditaments or heritages in Great Britain, there shall be charged yearly, in respect of the property thereof, for every twenty shillings of the annual value thereof, the sum of seven pence."

He utterly misrepresented Schedule B, which, if quoted, would be fatal to his case, and quoted Schedule C in full, thus giving the appearance of accuracy to his statement. Schedule B levies a tax not on the *ownership*, but on the *occupation* of land, — on the annual profits of the tenant farmer over and above the rent he pays. There are five schedules in the English income tax, and the profits arising under all are taxed, and have always been taxed, at the same rate, except those under Schedule B, which are placed at a less rate as a favor to laboring men, the renters and farmers of land.

MR. BUTLER. How would it help the poor man who rented land to tax the rent that went into the owner's pocket?

The farmers, the laboring men, were taxed only half as much on the profits of their labor as the owners of the land were taxed

on their profits from rent, and thus the poor man was helped. A difference was made between rents in Scotland and in England, because of the difference in the mode of charging. In one of the countries the landlords had to pay the tax, and in the other the tenant. For that reason a difference was made between the Scottish and English farmers. But the gentleman from Maine quotes the Scottish tax under Schedule B, omitting the English, which is one penny in the pound higher.

MR. PIKE. If the gentleman will allow me a moment. The English law always has been, not an income tax alone, but a property and income tax. This is the style of it, — "Property and income." I was discussing the income part. That part contained four schedules, beginning with Schedule B. The first schedule that the gentleman speaks of now is the property schedule, and is a tax on the value of the land, somewhat similar to our real estate tax of 1861. But by our constitution we can have no such property tax as the English, because with us it must be levied in proportion to the population. I spoke also of the amount of these income taxes. Let me say that the largest income returned under any one single item under Peel's law was derived from this very Schedule B. My statement was not about owners of land, but simply of holders of land. The holders of land hold it by long leases, and are one class of people, and the owners of the land, who are taxed by rack-rent, are another class, and on them the real estate tax is charged. That was the reason why I mentioned Schedule B, and not Schedule A.

My friend, I fear, has not helped his case by what he has just said. In the first place, he is mistaken in supposing that Schedule A does not impose an income tax, but a tax on property. It is no property tax. I will read from the language of the statute: "Schedule A. For all lands, tenements, etc., there shall be charged yearly, in respect of the property thereof, for every twenty shillings of annual value thereof, the sum of seven pence." The tax is levied on the annual value, the rental value, the annual income arising from the realty. It is an income tax throughout; a tax on income, whether arising from property or business, capital or labor. In the early years of the tax there were no subdivisions at all, and these schedules were introduced to enable the assessors to ascertain more certainly the amount of incomes in the kingdom.

MR. PIKE. I would ask the gentleman whether that Schedule A, so far as it is a land tax, is not a tax by rack-rent?

Not at all.

MR. PIKE. I say that the English authorities everywhere specify it as a tax by rack-rent.

The gentleman is quite mistaken. If an owner rents his land, his income from it is estimated on the rental value; but if he farms his own land, he is taxed under Schedule A, according to an assessment made on its annual value, and he is also taxed under Schedule B on the profit he makes from farming it himself. It is the income in both cases which bears the tax. Under Schedule A, income from real estate is taxed. Under Schedule B, income from farm labor.

MR. PIKE. Will the gentleman allow me? I know he desires to state the case fairly. He speaks of Schedule A as if it was one item. Schedule B is one item, but Schedule A contains fifty-four different items. Among those items are mortgages on houses, lands, etc., railways, canals, coal mines, fisheries, iron-works, and other items of that sort, making fifty-four different items that go to make up the aggregate of Schedule A.

That makes the case all the stronger, for the gentleman himself exhibits the fact that fifty-four items are items of landed property, — real estate; and the tax is levied, as I have shown, not on the property, but on the annual income from it.

MR. PIKE. Schedule B, under Peel's act, yielded £46,769,000, and the highest item in Schedule A was £45,750,000. I quote from Senior's Income Tax Law.

The gentleman's figures cannot possibly be correct, for I have before me the full official records of the assessment and product of the income tax from 1798 down to 1863. I will quote from them in a moment.

The gentleman refers to Schedule B as the source of some of the largest English incomes. In this he is greatly mistaken. Nearly two thirds of all who are assessed under it are exempted by reason of their small incomes. Levi, in his work on Taxation, says: "Of nearly seven hundred thousand persons assessed under this schedule [B], only about two hundred and eighty thousand are charged."[1] This shows clearly that the incomes under Schedule B are those of small farmers, and not the "largest English incomes," as the gentleman asserts.

MR. PIKE. I did not say the largest individual incomes, but the largest income in the gross.

[1] On Taxation, (London, 1860,) p. 151.

The gentleman's statement is incorrect in either case, whether applied to individual incomes or to the total amount of incomes arising under this schedule.

In Sir Morton Peto's work on Taxation[1] the whole amount assessed under the five schedules of the income tax laws in 1861 is stated in tabular form. The amount under Schedule A is £131,680,497; under Schedule B, £33,128,296. From a still later English work[2] I find that the total amount of British incomes, exclusive of Ireland, on which taxes were assessed, under the different schedules, in 1862–63, were as follows: —

A. Ownership of land	£126,061,575
B. Occupation of land	16,052,671
C. Dividends	29,528,215
D. Trades and professions	93,322,864
E. Salaries, pensions, etc.	19,463,035
	£284,428,360

From this it will be seen that the incomes under Schedule B amount to but one eighth as much as those under Schedule A, where the great incomes are found, and that Schedule B is the smallest of the five.

2. The gentleman asserts that, though under all the other schedules incomes below a certain amount are wholly exempt from taxation, yet on incomes arising under Schedule C the tax must be paid without deduction. In answer to this statement, I affirm that such is not now and never was the law of England. The very act to which the gentleman appeals provided that incomes less than one hundred and fifty pounds should be wholly exempt from the tax; and if any part of it had been paid, it should be refunded. Here is the passage from his own authority, Statute 5 and 6 Victoria, c. 35.

"SEC. 163. That any person charged or chargeable to the duties granted by this act, either by assessment, or by way of deduction from any rent, annuity, interest, or other annual payment to which he may be entitled, who shall prove before the Commissioners for General Purposes, in the manner hereinafter mentioned, that the aggregate annual amount of his income, estimated according to the several rules and directions of this act, is less than one hundred and fifty pounds, shall be exempted from the said duties, and shall be entitled to be repaid the amount of all

[1] Taxation; an Inquiry into our Financial Policy, (London, 1863,) p. 76.
[2] Fiscal Legislation, by John Noble, (London, 1867,) p. 152.

deductions or payments on account thereof in the manner hereinafter directed," etc.

Under that law, when holders of the public funds received their interest, the Bank, as the fiscal agent of the government, withheld the amount of the income tax without deduction; but, on making proof to the Commissioners of the Inland Revenue that his income, from all sources, was less than one hundred and fifty pounds, the fundholder was paid the full amount which had been withheld by the Bank. The gentleman has evidently confounded "deduction" with "exemption," for he speaks as though no exemption whatever was made under Schedule C. In addition to the exemption of all incomes under one hundred and fifty pounds, there were wholly exempted from taxation under that schedule the profits accruing to six classes: 1. Friendly societies; 2. Savings banks; 3. Charitable institutions; 4. Commissioners of the Public Debt; 5. The Queen; 6. Ministers from foreign countries.[1] The words "without deduction" prohibited only the Bank, not the Commissioners of Revenue, from making the deduction. In the statute of 16 and 17 Victoria (1853) these words are omitted, because that law provided that the Commissioners might furnish the Bank with a list of fundholders whose incomes were entitled to exemption, and from such the Bank should withhold no part of the interest.

MR. PIKE. Pitt's law of 1803 levied a tax of five per cent. It was subsequently raised, in 1806, to ten per cent, and it was collected in exactly the way the gentleman says no tax ever was collected. That is, it was collected at the Bank. And more than that, under Schedule C, it was collected in full, and no exemption was allowed; exactly as I have stated. And under Schedule D all incomes from fifty up to one hundred and fifty pounds were exempted. But the exemptions were limited to profits derived from "trades, professions, and offices." Thus the incomes from the debt were collected in full, while the incomes from other sources have exemptions to a certain extent. I quote now from Senior's Income Tax Law, page 80.

Now, the gentleman has done precisely what I suspected; he has utterly confounded the words "deduction" and "exemption," for I see that he uses them interchangeably. I admit the law says "without deduction"; but it does not say "without exemption," and therein lies the difference between the gen-

[1] See Stat. 5 and 6 Victoria, c. 35, sec. 88.

tleman and myself. In a subsequent section (sec. 88) of the same statute, there are six exemptions under Schedule C, which I have already quoted, and this proves beyond controversy that the words "without deduction" do not mean "without exemption." From the very volume which the gentleman holds in his hand, (Senior's Income Tax Law,) I can show him an instance cited to illustrate the law in which part of a dividend on public funds, withheld by the Bank, was repaid to the citizen when he made proof that his income from all sources was less than the amount exempted by law. I think I pointed the case out to the gentleman a few days ago. From the beginning of the English income tax down to the present day, every man has been repaid, if he came under the exemption clause, for all moneys taken or withheld by the Bank.

MR. PIKE. Now let me read what were the provisions of the English law: "Up to this time exemption had been granted on incomes from realized property under sixty pounds a year. This was now, with few exceptions, repealed; and entire exemption was limited to incomes under fifty pounds a year in the whole; while a graduated scale was imposed upon incomes between fifty pounds and one hundred and fifty pounds a year, but limited to profits derived from trades, professions, and offices. An official publication of the time explains the reasons for this alteration, as well as some others effected about the same period." The gentleman will see that I was entirely right, and he entirely wrong.

It is manifestly a commentary, not the law, that the gentleman reads. What is the date of the law to which the commentator refers?

MR. PIKE. It is Pitt's income law.

What year? There are several of Pitt's laws, extending from 1798 to 1816. If the gentleman has found an income law passed in the early years of that period, when the banks did not collect any part of the tax, his citation is fatal to the position he is attempting to establish.

MR. PIKE. This was the law for ten years.

The gentleman is mistaken. I cannot yield further now.

I proceed to notice another statement in the gentleman's printed speech.

3. He asserts that the principal of the British debt is taxed, in so far as it consists of terminable annuities; and cites as proof the eminent authority of Leon Levi. This statement is more

likely to mislead than any other in his speech, for it is likely to convey the impression, by insinuation, that, while we refuse to tax the interest on our debt, the British government tax both the interest and principal of theirs. Now, I deny, *in toto*, that the capital of the British debt as such is taxed, or ever was taxed. Indeed, the gentleman does not assert, and I am sure he will not assert, that it is taxed *as capital;* but the whole drift of his statement insinuates it. The only ground on which he bases his assertion is that a terminable annuity is a debt, a part of the capital of which is virtually refunded to the holder each year, in the form of interest; and as the government taxes the proceeds of such annuities at the same rate as the proceeds of perpetual annuities are taxed, it virtually amounts to a tax on capital.

MR. BUTLER. Will the gentleman state again, if it will not be too much trouble to him, what is a terminable annuity, as he understands it?

It is a form of English indebtedness from which the holder receives annually, for a limited period, a larger sum than he would receive from a perpetual annuity, which brings him only three per cent.

MR. BUTLER. The same difference that there would be here between a three per cent bond and a six per cent bond.

Not the same difference, for one terminates altogether in a given time, while the other is perpetual. And the argument which the gentleman attempts to make is this: that a part of the capital is returned to the holder in the annual payment, and therefore the capital is taxed. My reply is, that, strictly speaking, there is no capital at all in a terminable annuity. It is all income, and is taxed only as income. In support of this view I refer to a report published in 1861 by Mr. Robert Lowe, one of the ablest members of the House of Commons. That the tax on terminable annuities is one of the inequalities in the practical operation of the English law, no one will deny. For twenty years English statesmanship has been baffled in the attempt to remedy this defect. In 1851 and 1852 a committee of the House of Commons sat for many months, and printed a thousand pages of evidence on the workings of the tax. Another committee, in 1861, after a similar examination, reported a great mass of evidence. One of the chief objects of these investigations was to devise a plan by which this very inequality

might be obviated. But both commissions failed to agree upon any plan, and the Chancellor of the Exchequer frankly confessed that, with all the light thus thrown upon the subject, he saw no practicable method of curing the defect. Levi, whom the gentleman quotes, mentions the inequality of the tax when applied to the interest of terminable annuities, not to approve, but to denounce it; and he denounces it because, in effect, it approaches so nearly a tax on capital. But in fact and in law it is no more a tax on capital, than the tax which the States now levy on the shares of our national banks is a tax on the United States bonds, in which the capital of the banks is mainly invested. The principle involved in both cases is precisely the same, and was clearly set forth by our Supreme Court in the case of Van Allen *v.* The Assessors,[1] where it is held that a tax on the shares is not a tax on the capital of the bank; that the shares, though based on bonds which cannot be taxed by municipal authority, are a species of property distinct from the bonds, having many functions and uses which the bonds have not. So with terminable annuities. Whatever elements may compose them, it is only when they assume the form of income that the tax applies to them. It is, therefore, not true, either in law or in fact, that the English government taxes the principal of its debt.

Before leaving this point, in order to show to what desperate straits the gentlemen are reduced in their effort to find a precedent for taxing the principal of our debt, I will state that only a small portion of the British debt is in terminable annuities. The commission of 1861 stated that the whole amount did not exceed £10,000,000, while the British debt was nearly £790,000,000.

4. The gentleman asserts that every holder of the British funds, whether citizen or foreigner, is taxed, and hence concludes that we ought to tax the foreign holders of our bonds. There is just enough truth in this statement to make it dangerous. From 1798 to 1842 every income-tax law of England contained a clause specially exempting from taxation all income from public funds in the hands of foreigners. The law, as revived in 1842 by Sir Robert Peel, did not exempt foreigners from the operation of the law. In the debate on the bill, Peel said that all the tax which would be collected from foreign holders

[1] 3 Wallace, 583, 584.

would not amount to more than ten or twenty thousand pounds. England has long been a lender, not a borrower, of money; she has no foreign loan, and the taxation of income from the debt in the hands of foreigners is hardly a practical question with her. Among the many changes which have been made in the law since 1842, I have not been able to ascertain with certainty what the law now is; but I incline to the belief that foreign holders are no longer taxed. The income tax was thoroughly revised in 1853, and Mr. Gladstone, the author of the revised law and then Chancellor of the Exchequer, while speaking on this very subject at that time, said: —

"It has been a popular doctrine to tax the foreigner, but I think that no person in this House would wish to tax the foreigner in this particular form. It has been a long-contested question with respect to income tax in England, whether the foreigner is not entitled to exemption altogether. The late Sir Robert Peel subjected him to equal taxation in 1842; but even that proposal was strongly resisted, and I think every member of this House will agree that it would be very impolitic to lay an exceptional tax of this kind upon the foreigner."[1]

This shows that English statesmanship strongly condemns the policy. For us, a debtor nation, to adopt it, would be the extreme of folly. Though, as I have said, there are some doubts as to what the English law now is, yet there is a citizen of this city who has held English funds within the last year, and who states that he was exempted from the tax on furnishing evidence that he was not a British subject.

But whatever the British law may be at the present time in regard to taxing foreigners, this will not be denied, — that whenever the foreigner has been taxed under the income law, he has had the same benefits of exemptions and deductions as a British subject. Even under Peel's law, the foreigner was exempt when his income from British sources was less than one hundred and fifty pounds. This English practice bears no analogy to the scheme proposed by the gentleman from Maine. To quote it as an argument is to confess the weakness of his position.

If the gentleman wishes to find precedents for taxing government bonds held by foreigners, I commend him to the examples of Austria and Italy, who have been compelled within the last two months to adopt this policy, but offer as their apology that

[1] Hansard's Parliamentary Debates, Vol. CXXV. pp. 1377, 1378.

they are on the verge of bankruptcy, and are compelled to choose between this step and complete financial ruin. These two kingdoms are now, for this act, ruined in credit and honor by the verdict of all civilized nations. Moreover, I commend to the gentleman his own speech, delivered in this House on the 17th of December last, in which he strongly opposes the taxation of foreign bondholders.

In answer, therefore, to the gentleman's assertions, I affirm, —

1st. That there is not now, and never has been, a law in England, levying a tax on the principal of the public debt.

2d. That the interest on the British debt is not now, and never was, taxed, except when it takes the form and becomes a part of a taxable income. Whenever there has been no income tax, there has been no tax on the interest of the debt. Whenever there *has* been an income tax, the interest arising from the debt has been taxed at the same rate, and only the same, as the income from lands, hereditaments, trades, professions, salaries, pensions, and every other source, except from the occupation and farming of lands.

3d. That all the rules of exemption which apply to other sources of income apply equally to income arising from the funds. In short, that the interest of the debt is not taxed at all as such, but only when it forms a part of an income amounting to more than one hundred or one hundred and fifty pounds, or whatever the amount exempted by law may be.

4th. And, finally, that the scheme of the gentlemen from Maine, Massachusetts, and Indiana, which afterward, in substance, passed the House as the Cobb resolution, is not within the English precedent, nor within any precedent approved by civilized nations; but, if it becomes a law, will be a direct, palpable repudiation of $13,000,000 of the annual interest on our national debt, for the payment of which the faith of the nation has been pledged in the most solemn manner.

The gentleman from Massachusetts in his speech last evening alleged that our bonds were bought at a great discount, and are now at a premium, and therefore the bondholder could not complain if he should be taxed higher than the holders of other property. I desire to remind the gentleman, that the English bonds were negotiated at a much greater discount than our own. A late English writer has shown that all the debt incurred from 1793 to 1815 was negotiated at a loss of nearly forty-three per

cent, and that for every £100 of money received from loans during that period the debt was increased £173. But for one illustrious fact, Great Britain would have fallen half a century ago into the abyss of hopeless bankruptcy, of irretrievable financial ruin; but for one fact, her greatness and glory would now exist only in history. That fact is this: that while she has borne, for a hundred years, a greater burden of debt and taxation than any other nation, she has kept her financial faith untarnished. This fact has enabled her, within the last fifty years, to reduce the total amount of her annual interest twenty-five per cent, while the principal of her debt has been reduced less than nine per cent. In 1817, her annual interest was almost thirty-four millions sterling. In 1866, it was less than twenty-six millions. She has been able to fund her debt again and again at a decreased rate of interest, and the records of Threadneedle Street show that the British three per cent consols have been, during the last half-century, the standard stock of the world. Though the British debt is nearly fifty per cent greater than ours, yet her annual interest in 1867 was ten per cent less.

Now, Mr. Chairman, I have said all I desire to say in regard to the English precedent. Though the principles of political morality cannot be changed by any precedent, yet I admit that if the gentlemen had shown that the English tax law is framed on the principle expressed in the Cobb resolution, it would be a very formidable argument in defence of that measure. Their positive statements that it was so had a marked effect on the opinions of members of the House, and led them to assent to a proposition which I do not believe they will indorse after a full consideration. I rejoice, sir, that the Committee of Ways and Means have responded to the order of the House in a manner which discloses in full the character of the proposition which these gentlemen desire to incorporate in the law. Omitting the bill, this is the committee's report, as submitted, July 2d, by Mr. Hooper.

"The Committee of Ways and Means, to whom was referred the resolution of the House instructing them to report without unnecessary delay a bill levying a tax of at least ten per cent on the interest of the bonds of the United States, to be collected by the Secretary of the Treasury, and such of his subordinates as may be charged with the duty of paying the interest on the bonded debt of the United States, have had the same under consideration, and beg leave to submit the following report and bill.

"The Committee of Ways and Means are opposed to the proposition embraced in this resolution, and report the bill only in obedience to the positive order of the House.

"In the argument made in the House in favor of the resolution, the English income-tax law was referred to and quoted. There is a law corresponding to that law on the statute-books of this country, imposing a tax on incomes of five per cent, while the English law is less than three per cent. But your committee have been unable to find in the statute-books of England, or any other civilized country, a law that could be regarded in any way as a precedent for the bill the House have instructed the committee to report, which, if enacted, will be simply a law providing for the payment of a rate of interest on the government debt ten per cent less than was agreed for, ten per cent less than is stated in the bonds, and ten per cent less than was pledged to be paid by the solemn enactment of Congress, when the money was required to carry on a war which threatened the life of the nation.

"The evil effects resulting to a nation, whether her national credit is guarded and protected, or whether by legislation of the character now proposed the confidence of all other civilized nations is forfeited, may not be felt or appreciated in time of peace; but the committee desire to call attention to the consequences that would follow the passage of a bill of the character now submitted, in case we should ever hereafter have occasion to use our credit for the purpose of providing means either to sustain ourselves at home or to defend ourselves in any collision with a foreign power.

"The committee repeat, that in reporting the bill they act in obedience to the positive directions of the House, and contrary to their own best judgment. They reserve to themselves their rights, as members of the House, to oppose in every possible way the adoption of a measure which they regard as hostile to the public interest and injurious to the national character." [1]

The bill which the committee reported fully embodied the spirit of the resolution instructing them.

The gentleman from Massachusetts, in his speech last evening, while criticising the report of the committee, charged them with going out of their way to discuss the British law. He said that the resolution sent to them was passed without debate, and under the previous question; and he asked, "What business had they to talk about the English example and the results of it? Nobody raised that question." I will tell him why the committee discussed the English law. When he and his Democratic

[1] Congressional Globe, July 2, 1868, p. 3689.

friends were carrying through the measure for instructing the committee, although the previous question was pending, he made a speech consisting of one sentence, in which he declared that this was precisely the English method of taxing bonds.

MR. BUTLER. No, sir.

That sentence I quoted from the Globe, in the first ten minutes of my speech.

MR. BUTLER. The gentleman is not quoting it now. I said rate.

To show that the gentleman is mistaken, I will read, if he will allow me, exactly what he said. I quote from the Globe of June 29, 1868: "Mr. Butler, of Massachusetts. The tax which the resolution proposes is the same that the English government imposes on its bonds."

MR. BUTLER. Is that fair? Read the question before it.

There is no question before it. I will read: —

"MR. BUTLER, of Massachusetts, and MR. PIKE called for the yeas and nays.

"The yeas and nays were ordered.

"MR. GARFIELD. I would suggest that the tax on these bonds be made one hundred per cent. That will fill our Treasury still more rapidly.

"MR. BUTLER, of Massachusetts. The tax which the resolution proposes is the same that the English government imposes on its bonds." [1]

Now, I ask any gentleman present if this sentence refers to the *rate*, and if it refers to the rate, is it true? If the explanation which the gentleman now gives of his remark be correct, then the remark itself is not true. He can take whichever horn of the dilemma he chooses.

MR. BUTLER. For a single moment. In 1806, first five per cent, and then raised to ten per cent.

Now, Mr. Chairman, that is a striking example of the gentleman's own sense of fair argument. Since 1816 there has been no ten per cent income tax on British funds, or any other income. In the war with Napoleon, a part of the time the tax was five per cent, and a part of the time it was ten per cent; but since that war it has never reached six per cent. It was less than six per cent in the Crimean war, when the tax was doubled. Yet the gentleman from Massachusetts says in the Globe, from

[1] Page 3589.

which I have quoted, "The tax which the resolution proposes is the same that the English government *imposes* on its bonds"; not that they *did impose* on their bonds fifty years ago, but "the same the English government imposes on its bonds" now. I deny that the British government now imposes, or has imposed for half a century, a tax of ten per cent on the interest of its bonds; and, as I have already said, the gentleman plainly declared that the Cobb resolution was in accordance with the English precedent, and that proposition I have utterly disproved.

I say again, after such a sentence as the gentleman uttered in the House, it was eminently proper for the Committee of Ways and Means to refer to whatever instructions they had in the case, whether in the terms of the resolution itself, or in the remarks of those who advocated its passage. The committee brought in a report precisely in the spirit, and almost in the words of the resolution. They were ordered to bring in without delay a bill to levy a tax of ten per cent on the interest of the public bonds, and to require the Secretary of the Treasury and his subordinates to collect that tax. And the only argument made in favor of the resolution at the time was the declaration of the gentleman from Massachusetts that it provided for taxing the interest on our bonds by the same method that the English government taxes theirs. They took their instructions with the accompanying comment of the gentleman, and brought in a bill in strict accordance with their instructions: that hereafter, whenever the government of the United States pays interest, it shall withhold ten per cent; that, though it promised to pay six per cent, it shall pay but five and four tenths per cent; in short, that it will pay but ninety per cent of what was promised, any law, bond, or contract to the contrary notwithstanding. The country will thank the Committee of Ways and Means for the report with which they accompanied the bill, and I do not hesitate to declare that the proposition sent to the committee — though I cannot believe that the House so understood it — was a direct and palpable order to repudiate ten per cent of the entire interest on our debt. We owe $130,000,000 of interest annually, and the resolution declares that $13,000,000 of it we will refuse to pay. Mr. Chairman, I will cordially co-operate with any gentlemen here in any honorable and proper effort to reduce the general burden of

taxation; but on no account and under no circumstances can I consent to such a measure as that resolution demands.

MR. PIKE. Does the gentleman defend this remark of the Committee of Ways and Means in their report? "In the argument made in the House in favor of the resolution, the English income-tax law was referred to and quoted. There is a law corresponding to that [English] law on the statute-books of this country, imposing a tax on incomes of five per cent, while the English law is less than three per cent." Does the gentleman say that that is correct in fact, or in spirit, or in results? I say it is not correct in fact, in mode of collection, or in results. It has not a kinship to correctness.

Now, Mr. Chairman, I have not gone into the special calculation made in the report of the committee, and am not responsible for its correctness; but according to my arithmetic, seven pence in the pound is less than three per cent. The Committee of Ways and Means take the same view, but the gentleman seems to think otherwise.

MR. PIKE. The tax by the English law is deducted from the payment of interest at the time it is made. Schedule C yielded during the Crimean war the sum of about $9,000,000 in gold as a deduction from the amount of interest on the British debt; whereas our income tax is not assessed on a very large portion of our debt, there being large exemptions by the law. The whole amount owned by the banks is expressly excluded by the law, and we do not collect, I venture to say, after examination of the returns, $1,000,000, probably not $500,000, whereas Great Britain collected, according to the returns, £1,795,718 during the Crimean war. It is absurd to say or intimate that our tax is larger than the English, and it will be recollected that the interest on the English debt upon which the tax is levied is about ten millions *less* than our interest.

Of course I decline to go into the arithmetical arguments of the Committee of Ways and Means, as that is entirely aside from the subject I am discussing. But I have never before heard it denied that our income law is modelled after the English law. I have shown that the Cobb resolution is not; and I say again, I am exceedingly glad that the Committee of Ways and Means have uncovered the not quite transparent humbug of that resolution, as I must be permitted to call it.

And now, sir, allow me to say that the gentleman from Massachusetts endeavored last night, very adroitly, to change the proposition so as to make a new issue altogether. He said that the Committee of Ways and Means ought to have brought

in an amendment to the income-tax law, to provide for withholding at the treasury the amount of income-tax due on the interest arising from the bonds; but instead of that they had brought in a bill having no reference to the income law, but levying the tax directly on the interest of the bonds. Now, sir, I take this as a confession that the Cobb resolution is not defensible, for I call the House to witness that not one of the gentlemen who spoke on the subject gave the least intimation that they were amending or offering a substitute for the income law. There was nothing in the resolution that had the least reference to the income tax. It was clearly a measure aside from, and independent of, the income law. The tax it contemplated would be in addition to the income tax. Now, I do not propose to allow this escape from the issue raised. The two propositions are totally unlike. So long as we tax the interest of the bonds as a part of the income of citizens, no man can justly find fault. It is not a tax on the bonds, not even a tax on the interest as such, but only a tax on such part of the interest as takes the form, and becomes part, of a taxable income. So long as we place income from the bonds on the same basis with income from all other sources, and tax by a uniform rule, subjecting all incomes to the same deductions, exemptions, and limitations, we are not only within the English precedent, but we are on safe ground of constitutional right, where justice may be done to taxpayers, and the public credit will not suffer.

Now, if the House thinks it best to double the income tax, let it be done. The holders of bonds cannot complain. Income from bonds should bear its equal proportion. The Constitution of the United States lays down two rules on the subject of taxation, namely: a direct tax on property must be levied by apportionment; an indirect tax must be levied by the rule of uniformity. It will not be claimed that our income tax is a direct tax, — a tax on property; for it plainly falls under the rule of uniformity. But the tax proposed by the Cobb resolution is a tax on property, — a special, exceptional tax, liable to measureless abuse. Should the principle prevail, to what extreme may it not be carried? It is now proposed to tax the interest of the bonds ten per cent. What will hinder the next Congress from making it twenty, forty, eighty, or any higher rate? Being exceptional, it would directly hurt none but the public creditors. But under the wise provisions of the Consti-

tution, the rule of uniformity protects every class of citizens by making the protection of each the interest of all.

The gentleman from Massachusetts was very energetic in his plea for equality of taxation, and quoted a passage from the Chicago platform on that subject, with the manifest purpose of making it apply to such a measure as he proposes. I suggest to the gentleman that he will find a much better text for his doctrines in the Democratic platform than he finds in ours. The language of Tammany Hall on this subject is explicit, and expresses in very vigorous terms the gentleman's ideas of taxation. Their fourth article is as follows: "Equal taxation of every species of property according to its real value, including government bonds and other public securities." This declaration must meet the hearty approval of the gentleman from Massachusetts. According to this doctrine, the Democratic party are in favor of taxing equally all property, real and personal. Farms and bonds, wagons and billiard-tables, wheat and whiskey, bread and tobacco, all are to be subject to equal taxation, according to their real value! Farms to bear no less rate than whiskey, potatoes no less than beer, corn no less than brandy, wheat no less than gin! All are to be taken together according to this new Democratic doctrine, and subjected to a tax not levied as now, by uniform rule, on the annual value of the income arising from it, but as a direct tax on the actual value of the articles themselves. This new definition of the meaning of equality ought to be entirely pleasing to the distinguished gentleman from Massachusetts.

The law declares the bonds exempt from taxation by all State and municipal authorities. Now, if this Democratic resolution means that the bonds are to be subjected to a direct property tax, it must mean State taxation; and that not only is forbidden in the law that created the bonds, but, according to repeated decisions of the Supreme Court, is forbidden by the Constitution of the United States. If the resolution means that Congress ought to tax all farm and agricultural implements, all property real and personal, according to its real value, the absurdity is so apparent as to need no comment. The established rule that the States levy direct taxes, and Congress indirect, would be utterly broken down.

Now, Mr. Chairman, allow me to suggest that there are two ways of managing taxation and the public debt. One is to strike

directly at the principal or interest of the bonds, and greatly reduce their value for the sake of adding a little to the revenue. That is the method of the gentleman from Massachusetts and his associates. For the sake of withholding $13,000,000 from the public creditors, they would depreciate the value of every United States bond in existence. The bonds have already fallen an average of one per cent since this resolution passed the House.

MR. PIKE. Are they not to-day as high as they were before?

No, sir; I have the quotation in to-day's paper, and they are more than one cent lower than they were before that resolution passed.

MR. PIKE. In London?

No, sir; here. If the country fully believed that this ruinous policy would become the law, the depreciation would be very great. For every cent of depreciation, $21,000,000 is lost by our creditors, but not gained by us. The creditors lose the money, and the nation loses credit. And under the system of these gentlemen, what would be our condition when we find it necessary to negotiate a loan? That necessity is now almost upon us, for we have a bill pending to fund $1,800,000,000 of our debt. Nobody expects that we can pay the debt as fast as it matures, but we shall be compelled to go into the market and negotiate new loans. Let this system of taxation be pursued; let another Congress put the tax at twenty per cent, another at forty per cent, and another at fifty per cent, or one hundred per cent; let the principle be once adopted, — the rate is only a question of discretion, — and where will you be able to negotiate a loan except at the most ruinous sacrifice? Let such legislation prevail as the gentleman urges, and can we look any man in the face and ask him to loan us money? If we do not keep faith to-day, how can we expect to be trusted hereafter?

I have said there are two methods of managing debt and taxation. One I have just been considering. The other is advocated, not by the gentleman from Massachusetts, nor in the Democratic platform, but in the platform adopted at Chicago, in which it is declared that —

"We denounce all forms of repudiation as a national crime; and the national honor requires the payment of the public indebtedness, in the uttermost good faith, to all creditors at home and abroad, not only ac-

cording to the letter, but the spirit, of the laws under which it was contracted.

"It is due to the labor of the nation that taxation should be equalized, and reduced as rapidly as the national faith will permit.

"The national debt, contracted as it has been for the preservation of the Union for all time to come, should be extended over a fair period for redemption; and it is the duty of Congress to reduce the rate of interest thereon whenever it can be honestly done.

"That the best policy to diminish our burden of debt is to so improve our credit that capitalists will seek to loan us money at lower rates of interest than we now pay, and must continue to pay so long as repudiation, partial or total, open or covert, is threatened or suspected."

I quote these declarations with feelings of pride and satisfaction. I am proud of that great party which, having saved the life of the nation by its valor, now declares its unalterable purpose to save, by its truth and devotion, what is still more precious, the faith and honor of the nation. There was a declaration made by an old English gentleman in the days of Charles II. which does honor to human nature. He said he was willing at any time to give his life for the good of his country; but he would not do a mean thing to save his country from ruin. So, sir, ought a citizen to feel in regard to our financial affairs. The people of the United States can afford to make any sacrifice for their country, and the history of the last war has proved their willingness; but the humblest citizen cannot afford to do a mean or dishonorable thing to save even this glorious republic. For my own part, I will consent to no act of dishonor. And I look upon this proposition — though I cannot think the gentleman meant it to be so — as having in itself the very essence of dishonor. I shall, therefore, to the utmost of my ability resist it.

Suppose that the credit of the United States were as good as the credit of Massachusetts. Only a few months ago that State negotiated a loan in London on terms so favorable as to put to shame our attempts at funding our debt. During the whole war, her credit has been far better than ours. And how stand her old five per cent bonds to-day? I hold in my hand the London Economist of a month ago, and I find the Massachusetts five per cent bonds quoted at 89 and 90, while the ten-forty gold-bearing five per cent United States bonds are 68½; a difference of twenty-one cents on the dollar. And why this great

difference? Massachusetts has not only kept faith through all the trials of the war, but she has not sought technical grounds on which to escape from her obligations. She might have lightened the burden of her debt, as many other States did, by paying her interest in currency instead of in coin, under the protection of the legal-tender act. But she paid every debt in accordance with the letter and spirit of the contract. Her bonds exhibit the result. If the credit of the United States were as good as that of Massachusetts, we could fund our whole debt at $400,000,000 less cost to the nation than we can fund it on our own credit. This example fully illustrates the two lines of financial policy.

Mr. Speaker, I desire to say, in conclusion, that, in my opinion, all these efforts to pursue a doubtful and unusual, if not dishonorable policy, in reference to our public debt, spring from a lack of faith in the intelligence and conscience of the American people. Hardly an hour passes when we do not hear it whispered that some such policy as this must be adopted, or the people will by and by repudiate the debt. For my own part, I do not share that distrust. The people of this country have shown, by the highest proofs which human nature can give, that wherever the path of honor and duty may lead, however steep and rugged it may be, they are ready to walk in it. They feel the burden of the public debt, but they remember that it is the price of blood, — the precious blood of half a million brave men, who died to save to us all that makes life desirable or property secure. I believe they will, after a full hearing, discard all methods of paying their debts by sleight of hand, or by any scheme which crooked wisdom may devise. If public morality did not protest against any such plan, enlightened public selfishness would refuse its sanction. Let us be true to our trust a few years longer, and the next generation will be here with its seventy-five millions of population, and its sixty billions of wealth. To them the debt that then remains will be a light burden. They will pay the last bond according to the letter and spirit of the contract, with the same sense of grateful duty with which they will pay the pensions of the few surviving soldiers of the great war for the Union.

At different times Mr. Garfield gave full expression to his views touching all forms of the bond-taxing proposition. He opposed taxing bonds already issued, whether in American or in foreign hands, as inexpedient and contrary to the contract. He insisted that bonds should not be exempted from the operation of the income tax. He held that to issue new bonds subject to taxation would be useless, since what was received from the bondholder in taxes would be paid back to him in interest. He held that the States could not tax the bonds without the consent of the United States, and this consent the United States, even if disposed, could not legally give. The legal argument on this point he stated thus, in the House of Representatives, July 17, 1868.

MR. SPEAKER, — I desire to say a word on the pending amendment, for the purpose of putting on record the opinions of one of the very ablest lawyers who ever lived in this country on the question of the right of Congress to authorize a State to tax the bonds of the United States. I had occasion, two years ago, in a speech on this subject, to quote this passage from Mr. Webster. But before quoting it, I wish to state the authorities upon this subject.

I take it that no lawyer in this House who has examined the authorities will assert that any State can, of its own right, tax the bonds of the United States. But the question has been raised whether Congress may not confer upon a State the right to tax them. I particularly desire to call attention on that question to the authorities to which I refer.

First, let me state in brief the decisions of the Supreme Court to the effect that a State has not the right to tax the bonds of the United States. It was decided by Chief Justice Marshall, in 1819, in the case of McCulloch *v.* The State of Maryland *et al.*[1] It was decided again by that same distinguished jurist in the case of Weston *et al. v.* The City Council of Charleston.[2] It was decided in the case of Osborn *et al. v.* The Bank of the United States,[3] in 1824, when Henry Clay, as counsel, argued other features of the cause before the court, but declined to offer any argument on the question of the power of the State to tax the bank, and alleged as a reason that the point was so well settled that argument was unnecessary. It was decided again in 1862, in the case of The Bank of Commerce *v.* New York City;[4] and still later, in the case of Van Allen *v.* The Assessors.[5]

[1] 4 Wheaton, 316. [2] 2 Peters, 449. [3] 9 Wheaton, 738.
[4] 2 Black, 620. [5] 3 Wallace, 573.

Now in regard to the power of Congress to authorize a State to tax the bonds of the United States, I ask the Clerk to read a passage from a speech of Daniel Webster on the very question under discussion. The speech was delivered in the Senate of the United States, May 28, 1832. The question was on an amendment offered by Mr. Moore, of Alabama, proposing, first, that the Bank of the United States should not establish or continue any office of discount, or deposit, or branch bank, in any State, without the consent and approbation of the State; second, that all such offices and branches should be subject to taxation according to the amount of their loans and issues, in like manner as other banks or other property should be liable to taxation.

"Now, sir, I doubt exceedingly our power to adopt this amendment, and I pray the deliberate consideration of the Senate in regard to this point.

"In the first place, let me ask, What is the constitutional ground on which Congress created this corporation, and on which we now propose to continue it? There is no express authority to create a bank, or any other corporation, given to us by the Constitution. The power is derived by implication. It has been exercised, and can be exercised, only on the ground of a just necessity. It is to be maintained, if at all, on the allegation that the establishment of a national bank is a just and necessary means for carrying on the government, and executing the powers conferred on Congress by the Constitution. On this ground Congress has established this bank, and on this it is now proposed to be continued. And it has already been judicially decided that, Congress having established a bank for these purposes, the Constitution of the United States prohibits the States from taxing it. Observe, sir, it is the *Constitution*, not the *law*, which lays this prohibition on the States. The charter of the Bank does not declare that the State shall not tax it. It says not one word on that subject. The restraint is imposed, not by Congress, but by a higher authority, the Constitution.

"Now, sir, I ask how *we* can relieve the States from this constitutional prohibition. It is true that this prohibition is not imposed in express terms, but it results from the general provisions of the Constitution, and has been judicially decided to exist in full force. This is a protection, then, which the Constitution of the United States, by its own force, holds over this institution, which Congress has deemed necessary to be created in order to carry on the government, so soon as Congress, exercising its own judgment, has chosen to create it. Can we throw off from this government this constitutional protection? I think it clear we cannot. We

cannot repeal the Constitution. We cannot say that every power, every branch, every institution, and every law of this government, shall not have all the force, all the sanction, and all the protection, which the Constitution gives it." [1]

Such was the opinion of the great "Defender of the Constitution." He believed that the power of a State to tax the securities of the United States is prohibited by a higher authority than a statute of Congress; that it is prohibited by the Constitution itself. I have made the quotation to show that Mr. Webster did not believe that Congress could constitutionally delegate to the States the authority to tax the securities of the United States.

[1] Works of Daniel Webster, Vol. III. pp. 409, 410.

MR. STEVENS AND THE FIVE-TWENTY BONDS.

PERSONAL EXPLANATION MADE IN THE HOUSE OF REPRESENTATIVES, JULY 23, 1868.

MR. SPEAKER, — I will first ask the Clerk to read some remarks made by the gentleman from Pennsylvania on Friday, the 17th instant, so that the statements to which I desire to reply may be recalled to the recollection of members. He was speaking of the payment of the five-twenty bonds.

The Clerk read as follows: —

"MR. STEVENS of Pennsylvania. I want to say that if this loan was to be paid according to the intimation of the gentleman from Illinois,[1] — if I knew that any party in the country would go for paying in coin that which is payable in money, thus enhancing it one half, — if I knew there was such a platform and such a determination this day on the part of any party, I would vote for the other side, Frank Blair and all. I would vote for no such swindle upon the taxpayers of this country; I would vote for no such speculation in favor of the large bondholders, the millionnaires, who took advantage of our folly in granting them coin payment of interest. And I declare — well, it is hard to say it — but if even Frank Blair stood upon the platform of paying the bonds according to the contract, and the Republican candidates stood upon the platform of paying bloated speculators twice the amount which we agreed to pay them, then I would vote for Frank Blair, even if a worse man than Seymour headed the ticket. That is all I want to say."[2]

A few days afterward I expressed my surprise at these statements of the gentleman from Pennsylvania, and referred to the fact that, in the debate of 1862, on the passage of the bill authorizing the five-twenty bonds, the gentleman distinctly declared that these bonds were payable in gold, and that such was the

[1] Mr. Ross.

[2] Congressional Globe, July 17, 1868, p. 4178.

unanimous opinion and intention of Congress at that time. Yesterday the gentleman read from manuscript the following: —

"Mr. Stevens of Pennsylvania, rising to a personal explanation, said: I desire to say a few words relating to what I observe reported in the Globe of the remarks of General Garfield and others with regard to what I said in debate on the passage of the five-twenty bill. I find that it is all taken from the report of Secretary McCulloch, which I had never read. I am therefore free to presume that what those gentlemen quoted, rather than said, is a total perversion of the truth. Had it not been introduced from so respectable a quarter in this House, it would not be too harsh, as there presented, to call it an absolute falsehood. I do not know that I should have taken any notice of what the various papers are repeating, some of them half Rebel, some half Secession, and more of them, I suppose, in the pay of the bondholders. I shall not now undertake to explain the whole of this matter, as I am too feeble; but I shall take occasion hereafter to expose the villany of those who charge me with having said, on the passage of the five-twenty bill, that its bonds were payable in coin. The whole debate from which they quote, and all my remarks which they cited, were made upon an entirely different bill, as might be seen by observing that I speak only of the payment of gold after twenty years, when the bill I was speaking of, as well as all other liabilities, were payable in coin, as no one doubted the resumption of specie payments. My speech was made upon the introduction of the legal-tender bill, on which the interest for twenty years was to be paid in currency. No question of paying the interest in gold arose till some time after, when the bill had been passed by the House, sent to the Senate, returned, and went to a committee of conference, when, for the first time, the gold-bearing question was introduced; and yet all that these wise and truthful gentlemen have quoted from me took place in debate some weeks before the gold question, either principal or interest, had arisen in the House. I only now wish to caution the public against putting faith in the fabrications of demagogues and usurers, and they will find that every word which I have asserted with regard to myself is true to the letter." [1]

Now, Mr. Speaker, I can permit no such denial of the truth of my statement, and particularly no such personal attack, to go unchallenged. I therefore appeal to the records.

On the 22d of January, 1862, Hon E. G. Spaulding, of New York, from the Committee of Ways and Means, reported House Bill No. 240, — a bill to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States. It con-

[1] Congressional Globe, July 22, 1868, p. 4335.

sisted of three sections. The first authorized the issue of $100,000,000 legal-tender notes; the second authorized the issue of $500,000,000 six per cent twenty-year bonds, with which to fund the legal-tender notes, and other floating debt of the United States; the third was mainly administrative (see copy of original bill, Globe, Vol. XLVI. p. 522). This bill, with but few important changes, became the act of February 25, 1862. On the day of its introduction it was printed, and made the special order for January 28, when a searching debate on its provisions began, and continued with an interruption of but one legislative day to and including the 6th of February.

The gentleman from Pennsylvania took no active part in the debate until the day of its passage, when, after general debate on the bill in Committee of the Whole was closed by order of the House, Hon. E. G. Spaulding yielded to Mr. Stevens most of the hour to which he was entitled, and then the gentleman made a vigorous and incisive speech, as he always did, attacking the several substitutes that had been offered, and defending the bill of the Committee of Ways and Means. One substitute had been offered by Mr. Vallandigham, of Ohio; another, by Mr. Roscoe Conkling, of New York; another, by Mr. Morrill, of Vermont; and another, by Mr. Horton, of Ohio, which embraced the leading features of all the others, and was finally selected as the one to be voted on in opposition to the bill of the committee. This substitute did not make United States notes a legal tender for private debts, and this was the chief issue between the advocates and opponents of the bill of the committee.

A large part of the speech of the gentleman from Pennsylvania was devoted to the defence of the legal-tender clause of the bill. He held that without the legal-tender provision the notes would depreciate; with it, they would remain at par. He quoted a long passage from the English writer, McCulloch, to show that paper money which is a legal tender will always be at par as long as the amount issued is not in excess of the wants of the country. At that point a question was asked him by Mr. Thomas, of Massachusetts. I quote the following: —

"MR. THOMAS. I desire to ask the gentleman a question in connection with that passage. McCulloch laid down the doctrine, that the paper is limited to the amount necessary for currency. Let me ask the gentleman from Pennsylvania whether he now expects, in managing these

financial matters, to limit the amount of these notes to $150,000,000. Is that his expectation?

"MR. STEVENS. It is. I expect that is the maximum amount to be issued.

"MR. THOMAS. You do not expect to call for any more?

"MR. STEVENS. No, sir; I do not." [1]

The gentleman then proceeded to show that these legal-tender notes would soon be used to buy the bonds authorized in the second section, and that the bonds would be a good investment. He said: —

"This money would soon lodge in large quantities with the capitalists and banks, who *must* take them [the notes]. But the instinct of gain — perhaps I may call it avarice — would not allow them to keep it long unproductive. A dollar in a miser's safe unproductive is a sore disturbance. Where could they invest it? In United States loans, at six per cent, redeemable in gold in twenty years, — the best and most valuable permanent investment that could be desired. The government would thus again possess such notes in exchange for bonds, and again reissue them. I have no doubt that thus the $500,000,000 of bonds authorized would be absorbed in less time than would be needed by government, and thus $150,000,000 would do the work of $500,000,000 of bonds.

"When further loans were wanted, you need only authorize the sale of more bonds. The same $150,000,000 of notes would be ready to take them." [2]

A little further on he said: —

"Gentlemen are clamorous in favor of those who have debts due them, lest the debtor should the more easily pay his debt. I do not much sympathize with such importunate money-lenders. But widows and orphans are interested, and in tears lest their estates should be badly invested. I pity no one who has his money invested in United States bonds, payable in gold in twenty years, with interest semi-annually."

He then proceeded to review the several substitutes, stating first the plan of the committee. I quote from the same page: —

"Let me restate the various projects. Ours proposes United States notes, secured at the end of twenty years to be paid in coin, and the interest raised by taxation semiannually; such notes to be money, and of uniform value throughout the Union. No better investment, in my

[1] Congressional Globe, February 6, 1862, p. 688. [2] Ibid., p. 688.

judgment, can be had. No better currency can be invented. . . . . The proposition of the gentleman from New York [1] authorizes the issuing of seven per cent bonds, payable in thirty-one years, to be sold ($250,000,000 of it) or exchanged for the *currency* of the banks of Boston, New York, and Philadelphia.

"Sir, this proposition seems to me to lack every element of wise legislation. Make a loan payable in irredeemable currency, and pay that in its depreciated condition to our contractors, soldiers, and creditors generally! The banks would issue unlimited amounts of what would become trash, and buy good hard-money bonds of the nation. Was there ever such a temptation to swindle?"

On the following page, and near the end of his speech, he says: —

"Here, then, in a few words, lies your choice. Throw bonds at six or seven per cent on the market between this and December, enough to raise at least $600,000,000, ... or issue United States notes, not redeemable in coin, but fundable in specie-paying bonds at twenty years."

In a few moments after the conclusion of this speech the House voted to reject the substitute of Mr. Horton, and adopted the bill advocated by Mr. Stevens. It was sent to the Senate, and but few important amendments were made, the chief of which was that the legal-tender clause should not apply to duties on imports, but that they should be paid in coin, and the coin should be applied to payment of the interest on the bonds, and to the reduction of the principal of the debt. No change was made in the bill which in any manner affected the question of the payment of the principal of the bonds. On the 14th of February the bill came back to the House, and was made a special order for February 19, when it was again debated, some of the amendments adopted, and some rejected; and after submitting the differences between the two houses to a conference committee it was passed, February 25, and on the following day became a law by receiving the approval of the President.

I have carefully gone over all the proceedings, as recorded in the Globe and in the Journal of the House, and I have not found an intimation made, directly or indirectly, by any member, that it was ever dreamed the principal of these bonds could be paid in anything but gold. On the contrary, all who did refer to the subject spoke in the most positive terms that, as a matter of course, they were payable in gold.

[1] Mr. Conkling.

Mr. Spaulding, of New York, said: "They intend to foot all the bills, and ultimately pay the whole amount, principal and interest, in gold and silver." [1]

Mr. Pomeroy, who is now a member of the House, said: "The credit of the government is alike bound for the payment of both classes of indebtedness ultimately in gold. Each derives its entire value from that." [2]

Mr. Pike, of Maine, now a member of the House, said: "With all due deference to the gentlemen who differ with me on this subject, it does seem to me that this matter of the payment of the interest in coin is a controversy about goats' wool. The interest will be paid in coin in any event." [3]

Now, Mr. Speaker, I have proved from the record the correctness of every declaration I made in reference to the opinion of Congress at the time of the passage of the five-twenty bill, and particularly the opinion of the gentleman from Pennsylvania. This might seem sufficient, but I wish to carry the investigation a step further.

About one year later, when the House was debating the bill for issuing what are now known as ten-forty bonds, the gentleman from Pennsylvania, who had offered an amendment to make the interest payable in paper, held the following colloquy with Mr. Horton, of Ohio: —

"MR. STEVENS. It would be fair, I suppose, to state that my amendment proposes to pay for these bonds at the end of ten years in coin, but to pay the interest in currency, while the bill of the Committee of Ways and Means proposes to redeem the bonds in currency.

"MR. HORTON. I cannot state what the gentleman asks me to state, because, according to my view, it is not correct. The bill of the Committee of Ways and Means does not contemplate paying in paper.

"MR. STEVENS. Will the gentleman allow me to ask him a question?

"MR. HORTON. Certainly.

"MR. STEVENS. Are not the bonds payable 'in lawful money,' whatever that is?

"MR. HORTON. No, sir.

"MR. STEVENS. Then the Committee of Ways and Means and I do not agree as to its meaning.

"MR. HORTON. I speak only for myself, and I appeal to the bill. The policy of the bill is to pay the interest in coin, and to collect the imposts in coin, and to redeem the bonds in twenty years in coin." [4]

[1] Congressional Globe, Feb. 19, 1862, p. 882.
[2] Ibid., p. 885.
[3] Ibid., p. 887.
[4] Ibid., Jan. 19, 1863, p. 388.

So far as I can learn, this was the first word ever spoken in Congress suggesting the possibility of paying these bonds in anything but coin.

Now, notice the effect of this suggestion. On the following day, January 20, while the same bill was pending, Mr. Thomas, of Massachusetts, moved to amend by inserting the words "in coin" in the first section. Mr. Morrill, of Vermont, moved to add the words "and bullion." Then the following discussion took place: —

"MR. HORTON. I am opposed to the amendment of the gentleman from Vermont, which is to include bullion with gold in the payment of these bonds; and am in favor of the amendment of the gentleman from Massachusetts, to make them payable in gold. I wish to say here that the Committee of Ways and Means, in framing this bill, never dreamed that these twenty-year bonds were to be payable in anything other than gold, until the gentleman from Pennsylvania told it yesterday upon the floor of the House.

"MR. STEVENS. I do not like to refer to what occurred in committee, but I ask the gentleman from Vermont whether he did not state that he expected they would be paid in legal money?

"MR. HORTON. I say to the gentleman and to this committee that I never heard an expression by any member of the Committee of Ways and Means of the possibility that these bonds were to be payable in anything other than coin. The form here proposed is the form always used by the government in the issue of these bonds, and they have always been paid in coin up to this day; even as late as the 31st of December the bonds then coming due were paid in coin, in accordance with the uniform established practice of the government.

"MR. STEVENS. I ought to say that I am informed by the gentleman from Vermont that he did not make the remark in the committee which I just attributed to him. I so understood him.

"MR. HORTON. I know nothing of any such remark." [1]

The amendment of Mr. Thomas was then adopted without division.

Thus, Mr. Speaker, I have shown that when the original five-twenty bond bill passed the House, in 1862, all who referred to the subject stated that the principal of those bonds was payable in gold; that the gentleman from Pennsylvania so stated five distinct times, and no member suggested anything to the contrary; that when, in 1863, that gentleman raised a doubt on the

[1] Congressional Globe, January 20, 1863, p. 412.

subject, he was promptly met by the statement of a leading member of the Committee of Ways and Means that he never before heard such a suggestion, and nobody on the Committee of Ways and Means dreamed of the possibility of paying them in anything but coin; and finally, from abundant caution, and because of the doubt thus raised, the words "in coin" were inserted in the law authorizing the ten-forty bonds, and, so far as the record shows, no other member, either in 1862 or in 1863, shared the gentleman's doubt. Let it be remembered that I have not discussed the language of the law, but only its history, and the construction placed upon it by those who made it at the time they made it.

INDIAN AFFAIRS.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES ON VARIOUS OCCASIONS.

On the 8th of December, 1868, Mr. Garfield reported, from the Committee on Military Affairs, a bill providing for the removal of the Indian Bureau from the Interior Department to the War Department. He supported the measure in the remarks following.

The Indian Peace Commission mentioned below was organized August 6, 1867, under an act approved the previous July, and consisted of four civilians and four army officers. The object of the Commission was "to establish peace with certain hostile Indian tribes." More definitely, it was to remove, if possible, the causes of war; to secure, as far as practicable, the frontier settlements, and the safe building of the railroads to the Pacific; and to suggest or inaugurate some plan for the civilization of the Indians.

MR. SPEAKER, — I wish to take the time of the House for but a few moments. I shall state briefly the purpose of the bill, and will then yield some time to the gentleman from Minnesota,[1] chairman of the Committee on Indian Affairs.

It will be noticed in the first place, as the title of the bill indicates, that it proposes to restore the Bureau of Indian Affairs to the Department of War, where all that class of business was originally transacted. When the Department of the Interior was formed, in 1849, the management of Indian affairs was taken from the Secretary of War and placed in the hands of the Secretary of the Interior. This bill does not raise the question of the Indian policy to be pursued; it does not propose to settle any theory of tribal relations, or the relation of the government to the Indian tribes; it does not propose to determine whether we shall continue to treat them as separate nations subject to treaty stipulations; nor does it touch the establishment or man-

[1] Mr. Windom.

agement of reservations. It affects directly no one of these questions. It provides merely that the Interior Department shall surrender the management of Indian affairs to the War Department; and, in order that there may be no sudden shock in the transfer, it is provided that all the duties now enjoined by law upon the Secretary of the Interior in relation to Indians shall be discharged by the Secretary of War, and that without change of system or policy.

Then the bill provides further, in the second section, that the Secretary of War shall be authorized, whenever in his opinion it will promote economy and the efficiency of the Indian service, to detail officers of the army to perform all the duties now enjoined by law upon Indian agents, sub-agents, and other persons employed in the Indian service. It does not immediately abolish all the offices in connection with the Indian Bureau, but it leaves it to the discretion of the Secretary of War to fill them with officers of the army when the interests of the service require it. I have no doubt it will ultimately result in putting officers of the army in the places of the civilians now employed in that department; but it was thought best not to say that all civilians shall at once be dismissed the service, and military officers substituted. It is left for the present to the discretion of the Secretary of War.

The third section provides that all contracts for transportation in connection with the Indian service shall hereafter be made in the same manner as contracts for supplies or transportation for the army; and in the amendment which I have added, — which is the only material change in the bill since I introduced it last June, — it is provided that all expenditures of money, all appropriations, and all payments made on account of Indian affairs, shall hereafter be kept separate and exhibited under the head of "Expenditures on account of Indians." Hitherto these expenses have not been thus separated, and it is unjust to the army to charge as a part of its ordinary cost all the expenses of an Indian war; moreover, we ought always to be able to classify our expenses, and know definitely what is done with the money. I have therefore added to the third section a clause requiring that the accounts, except for the pay of officers and soldiers, shall be kept separate. It was thought that the monthly pay of officers and enlisted men employed in the Indian service could not be kept separate from the pay of the rest of

the army without complicating too much the accounts of the department.

The fourth section authorizes the Secretary of War to withhold all special licenses for traders, and otherwise to regulate the business of Indian trading.

Now, without going at all into the general question of what ought to be done with the Indians, I am satisfied that we shall make a successful beginning of the whole business by putting all this work into the hands of the War Department, where all the officers are subject to military law and to the jurisdiction of courts-martial. The great advantage of the measure will be that we shall abolish a bureau and all its appendages, and at the same time, without additional cost for salaries, secure for the work efficient agents who are subject to a much stricter accountability than civilians can be subjected to. We shall thus remove one of the most tempting opportunities for corruption known to our government. I do not, however, desire to go into the debate. The developments of the last year, it seems to me, have been amply sufficient to bring the subject fully to the attention of the people.

I will add, that two years ago this bill, in almost the very words of the print before us, passed the House of Representatives by a large majority, but failed in the Senate. Last session we were not able to reach it, or I believe it would have passed again. Then there were some prominent officers connected with the Indian Peace Commission who were not in favor of the transfer. Now I understand that, since the developments of the last fall, nearly all of those officers have come to believe that the transfer is necessary. General Grant, General Sherman, General Sheridan, and nearly all the leading officers of the army connected with the Indian service, recommend this as the initial step in the direction of reform. We therefore propose this measure by itself, simply making the transfer to begin with, and opening the way for any discussion of the Indian problem which it may be thought best to enter upon hereafter.

[After Mr. Windom and several other gentlemen had spoken, Mr. Garfield closed the debate in these remarks. The bill passed the House, but never came to a vote in the Senate.]

Mr. Speaker, — I will close this debate by calling attention to two or three points that have been made. And, first, let me correct my friend from Minnesota in regard to the decision of

the Peace Commission which sat last year and made a report in reference to Indian affairs. That Commission were divided on the question of transferring the bureau to the War Department, and they finally, in the hope of maintaining peace with the Indians, recommended, first, that for the present the bureau should not be transferred to the War Department, but should be made a separate, independent department; and, secondly, that Congress be asked to pass an act fixing a day not later than the 1st of February, 1869, when all subordinate officers, superintendents, and agents of Indian affairs should be dismissed from their positions, because they had become so mixed up with frauds that they could not be trusted. All this, however, was based upon the hope that peace with the Indians might be maintained. But the Commission very distinctly said that, if we were to have war, the bureau ought to be transferred to the War Department.

Now, what are the facts? The Commission concluded several treaties with the Indians. Here let me say that it seems to me a sort of mockery for the representatives of the government of the United States to sit down in a wigwam and make treaties with a lot of painted and half-naked savages, only to have those treaties trampled under foot the very moment our officers are out of sight. This whole practice of making treaties with our wards is ridiculous. Still, I will not enter upon that subject.

MR. INGERSOLL. I would ask the gentleman if the Peace Commission itself did not state that, in a great majority of cases, the first infraction of the treaty came from the whites instead of the Indians.

I happen to hold in my hand a much later document than the report of the Peace Commission, and I will read from it. It is the official report of Lieutenant-General Sherman, dated November 1, 1868, in which he gives a detailed and elaborate account of what has transpired in the Indian country since the Peace Commission sat, and he tells the reasons why that Commission took the course it did. He says that, soon after the conclusion of the treaties, without any new provocation on the part of the whites, the Indians, by concerted action, began this terrible war upon the frontier. This report very fully answers the suggestion of the gentleman from Illinois,[1] that all aggressions are made by the whites. After giving a detailed account of the Indian hostilities, and what had been done to

[1] Mr. Ingersoll.

repress them, General Sherman argues the subject elaborately, and says, "I have to recommend that the Bureau of Indian Affairs should be transferred back to the War Department, where it belonged prior to 1849." That is his official report of November 1, 1868.

MR. CAVANAUGH. I would ask the gentleman from Ohio if the Peace Commission was not divided upon this question at Chicago?

I do not know how it was divided at Chicago. I know it was divided last year, and that the majority was against the transfer of the bureau; it may have been divided this year, but the Commission report in favor of the transfer now.

MR. MUNGEN. Did not General Sherman state, when he was before the Committee on Indian Affairs of this House and the joint committee of the two houses last session, that if the appropriation for the annuities, or rather the advancement of the annuities, was not made last May, according to the arrangement, it would bring on a war, and did not the failure to make the appropriations produce the war?

I cannot say whether he did or did not. If he did, I am not aware of that fact. I know that General Sherman says, in his recent official report, that this war was brought on, not by any fault of the whites, but by the faithlessness and wickedness of the Indians themselves.

Now General Grant sends his annual report to the Secretary of War under date of November 24, 1868, only two weeks ago, and in it he uses this language: "I would earnestly renew my recommendation of last year, that the control of the Indians be transferred to the War Department. I call special attention to the recommendation of General Sherman on the subject. It has my earnest approval. It is unnecessary that the arguments in favor of the transfer should be restated. The necessity for it becomes stronger and more evident every day." Thus it will be seen that the General of the Army approves the reports of General Sherman and General Sheridan. All this is really in accordance with the report of the Peace Commission; for they say, if we are to have war, the bureau had better go to the War Department. And in the same report from which my friend from Minnesota[1] read, there is a description of the difficulty we are now in. It is in these words: —

"As things now are, it is difficult to fix responsibility. When errors are committed, the civil department blames the military; the military

[1] Mr. Windom.

retort by the charge of inefficiency or corruption against the officers of the bureau. The Commissioner of Indian Affairs escapes responsibility by pointing to the Secretary of the Interior, while the Secretary may well respond that, though in theory he may be responsible, practically he is governed by the head of the bureau. We therefore recommend that Indian affairs be committed to an independent bureau or department. Whether the head of the department should be made a member of the President's Cabinet is a matter for the discretion of Congress and yourself, and may be as well settled without any suggestions from us."

That report was made a year ago. With this triple-headed monster managing Indian affairs, neither head knowing how much it has to do, each one throwing the blame of every failure on the other, with the events of the past season and the war we are now suffering, before us, and with the recommendation of all those most intimately acquainted with the subject, — with all these facts before us, I hardly think the case needs further argument.

I desire, however, to say a word in reply to my friend from California.[1] He says we should have an Indian policy first, and make the transfer afterwards. I think not, Mr. Speaker. Let us meet the present necessities of the case by making one department of the government wholly responsible, and call to the work officers who are amenable to military laws, and we shall have taken a great step toward reforming abuses. After that we can go forward and determine what shall be done with the Indians, — whether they shall be confined to reservations, and not have any rights which white men are bound to respect when they leave their reservations, or whether we shall make a rule that no white who enters an Indian reservation without authority shall have any rights which an Indian is bound to respect. Whatever we do ought to be the result of deliberation and examination.

PENDING the Indian Appropriation Bill, February 4, 1869, Mr. Garfield made these remarks. He had moved as an amendment his bill transferring the Indian Bureau to the War Department, which the Speaker ruled out of order.

MR. SPEAKER, — Under the rules of this House we are not able to place the question of what shall be done with the Indian

[1] Mr. Higby.

Bureau in such a shape as to compel the consideration of the expenditure of the public money in connection with the subject. We are therefore brought back to the question whether we shall expend $2,500,000 of public treasure, as provided in this bill. Here we must open our eyes to the channels through which the money is to pass, the organization by which it is to be disbursed. Of the officers at the head of the Indian Bureau in Washington I have nothing to say; for aught I know, they are worthy men. I speak of the organization of the bureau, and its practical workings. As an illustration of the manner in which public money is used by the Bureau of Indian Affairs, I will quote a passage from a letter which I have recently received from a distinguished officer of the army, well known to me and to the members of this House, who has seen many years' service in the Western Territories.

"I speak what I know when I say that of every dollar appropriated by Congress for the Sioux during the last ten years, eighty cents have been stolen, — only twenty cents reaching the Indians. . . . . In 1859, when the affiliated tribes were brought from Texas, a large sum was paid for moving them, although they moved without aid. They were settled on the Washita, and fed by the government until the Rebellion broke out. They never exceeded twenty-five hundred in number, yet they were mustered on paper as from six to eight thousand. The contract was let to feed them one pound of beef and one pound of flour per soul daily. Texas cattle, not averaging over four hundred pounds net, were issued to them at eight hundred pounds; and although the contract called for good merchantable flour, yet during the year and a half I was there the Indians never saw an ounce of flour. The agents gave them shorts and middlings, while the government paid for flour."

There is much more in this letter of the same sort.

MR. ROSS. How many years has that officer been stealing from the Indians?

That officer is not in any way connected with the disbursement of money for Indian purposes. He speaks as an observer of the workings of the present system.

Now, after a considerable study of this subject, I am compelled to say that no branch of the national government is so spotted with fraud, so tainted with corruption, so utterly unworthy of a free and enlightened government, as this Indian Bureau. There are in the Blue Book of 1867 over four hun-

dred names — and I am informed that the number has been increased during the past year, so that it is now perhaps six hundred — of civil officers, employees in that bureau, whose aggregate annual salaries amount to nearly half a million dollars. I will not say in all, but in nearly all the branches of that bureau, fraud "creams and mantles," and is a stench in the nostrils of all good men. Yet we are now compelled to refuse to meet our treaty stipulations, and to carry out the obligations of the government, or we must let $2,500,000 go pouring through the filthy channels that are choking with the accumulated crimes and corruptions of half a century.

I repeat that I make no personal charges against the officers at the head of the Indian Bureau. The primary fault is in the system itself. The very nature of the service is such that it destroys responsibility and has not the usual restraints of civilization which hold bad men in check, and it allows the basest passions of human nature to effloresce and to exhibit their foulest characteristics. I do not indorse the doctrine of total depravity, nor will I assert that man is always corrupt whenever he has a fair opportunity to escape detection; but it is true that opportunity is the door through which corruption always enters, and this Indian Bureau is full of doors that are all ajar. As carrion attracts crows, so this bureau attracts to itself all forms of official baseness. Its agents, charged with important discretionary duties and with the disbursement of vast sums of public money, transacting their business hundreds of miles beyond the pale of civilization, beyond the jurisdiction of the civil courts and the restraining influence of military discipline, find but little difficulty in making the ignorant Indian the victim of their rapacity. It is a part of history that these agents, for purposes of gain, foment Indian wars, to end which our army must bleed and our people be taxed. The cost of our Indian war last year alone would feed every Indian in the United States five years. And yet we are not permitted by the supporters of this Indian Bureau to link to this expenditure of money that measure of reform which, for more than two years, has been urged by an overwhelming majority of the members of this House.

This brings us back, Mr. Speaker, to the question with which I began my remarks. Under the circumstances, shall we pay the money at all? I speak only for myself, but I am resolved

that I will not now, nor ever again, vote for an appropriation of money to be expended through the Indian Bureau as at present organized. On my responsibility as a member of this House, I shall now and henceforward vote in the negative on the final passage of every Indian bill for the appropriation of money, until the channels of that expenditure be cleaned and the whole service purified. As a protest against the present system and its treatment by Congress, I exhort members of the House of Representatives now to declare, in the only manner left open to us under the rules of the House, that not one dollar more shall be expended in the Indian service until the bureau is purified and reformed.

FEBRUARY 27, 1869, the House being in Committee of the Whole to consider the Senate amendments to the Indian Appropriation Bill, Mr. Garfield made these remarks: —

MR. CHAIRMAN, — I desire to call the attention of this Committee of the Whole to some of the startling facts developed in the bill now under consideration. I have aggregated the figures as furnished by the Committee on Appropriations, and I call special attention to them.

At the commencement of this session, the Secretary of the Interior, with all the Indian treaties then in existence before him, sent in his estimates for appropriations for Indian purposes. The total amount of appropriations asked for was $2,977,982, or $22,018 less than $3,000,000. The Committee on Appropriations and the House of Representatives went over the whole subject and cut down the amount of the estimates about $650,000, so that the bill, as it passed the House, granted $2,312,000 for Indian purposes. Now, what has happened? The Senate sends the bill back to us with an addition of $4,341,897. In other words, the total appropriations for Indian purposes, according to the amended bill, are $6,654,000; whereas less than $3,000,000 was asked for by the Secretary of the Interior, and less than $2,313,000 was voted by the House in the bill which we sent to the Senate.

Now I call the attention of members to this startling fact, that the bill before us appropriates more than twice as much money as the Secretary of the Interior ever asked us to give

him for Indian purposes, and nearly three times as much as we granted. And on what grounds? Why, we are told that treaties have been made with the Indians. When? A bundle of these treaties is before us, and I have not yet found one that bears a date later than August, 1868. There may be later treaties, but I have not seen them. All the provisions of these treaties were known to the Secretary of the Interior long before the commencement of this session of Congress. Has anything new transpired since we debated this bill in the House a few weeks ago? Have any new necessities arisen? "The treaties," it is said. But these treaties are old, and since they were made events have occurred in the Indian country which make them an offence to the American people. What are they? I have examined them hastily, but I am authorized by that examination to say, that nearly one half of all the Indians whom the Senate proposes now to feed and clothe under these sacred treaties of which gentlemen talk, have made war upon us since the treaties were made, and have thus broken the last thread of binding authority that the treaties possessed. I have here a long list of the names of tribes with whom we have been fighting. It is now proposed, without peace being made, without reconciliation, to pay the treasure of the United States into the hands of these warriors who fight us in summer and ask us to feed them in winter.

MR. WINDOM. Before the gentleman leaves the point to which he has just referred, I wish to ask him whether he asks this House to believe that all the Indians with whom treaties have been made are at war with us?

I said nearly one half.

MR. WINDOM. Will the gentleman inform the House what tribes with which we have made treaties are now at war with us?

I will name some of them. The Southern band of Cheyennes and Arapahoes, the bands of the Ogallalla and Brulé Sioux, led by chiefs whose names are beyond the range of my vocabulary.

I hold in my hand one of these treaties as a specimen of the lot. It is a treaty with the Northern Cheyennes and Northern Arapahoes, both of which tribes we have been fighting because they began war upon us; and they are fighting to-day, I believe. I want to call attention to the provisions of this treaty. According to the sixth article we are bound for the next thirty

... to hunt up every male Indian of the age of fourteen years, ... from that time forward for thirty years, and in September ... each year we must deliver to him — what will be a mysterious ... to many of them — a coat, a hat, a pair of pantaloons, a flannel shirt, and a pair of woollen socks. If we are fortunate enough to catch this wild man of the desert, and can get these articles of clothing upon him, we shall then have performed that part of our treaty stipulations. But at any rate the articles are to be purchased and sent out there; and the estimates of their cost, etc., must be made up by the Commissioner of Indian Affairs. But more than that: we are not to satisfy ourselves with hunting Indian boys; a chase must also be made after the fairer sex of that dusky race. Whenever an Indian girl reaches the age of twelve years, the paternal government, through this Indian Bureau, is to seek her out, and deliver over, for her sole use and benefit, the following-named articles: a flannel skirt or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestic. And then, for the boys and girls under the ages named, we are to furnish such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen socks for each. "And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward him a full and exact census of the Indians, on which the estimates from year to year can be made."

MR. BUTLER, of Massachusetts. With the gentleman's permission I would state a single fact. There is no evidence of any census having yet been taken on which these appropriations are made, except of one tribe.

We think ourselves happy if we can have a census of the white men of this country taken once in ten years; but under these treaties we are compelled to take a census of these Indian tribes every year as the basis upon which these estimates are to be made. Now, in the letter which I presented a few weeks ago in reference to a census of the Indian tribes, it is stated by the writer, an officer of high standing, that some tribes of Indians in the Washita country had been estimated for and by the government as numbering from six to eight thousand, when from his own knowledge they have never reached in any one

year a higher number than twenty-five hundred. That is the way the Indian census is likely to be taken. A gentleman near me states that but one census of but one tribe of Indians has ever yet been properly taken.

But this is not all. When you have caught these Indians and put trousers upon them, have given them each twelve yards of domestic, and made all the other comfortable arrangements contemplated in the treaties, you have not yet completed your work. The sixth article goes on to declare that, in addition to the clothing herein named, the sum of ten dollars shall be appropriated annually for any Indian who may be "roaming." If these gay savages of the Western plains shall see fit to go "roaming," they are to have ten dollars each in addition to the articles before mentioned. If you can catch him he is still to have ten dollars for roaming. If any of them shall conclude "no longer to roam," but to settle down somewhere and devote themselves to Georgics and Bucolics, they shall have twenty dollars each for thirty years to come.

Why, say these gentlemen, treaties are sacred and must be respected! A large number of gentlemen were unwilling to recognize the Alaska treaty after it had been solemnly ratified by the Senate. They did not hold themselves bound by the treaty. Some of us, on the contrary, felt a moral obligation to pay the money in view of the fact that we had treated with a great and friendly power, although we did it with much reluctance. Many of the same men who were vehement in their denunciation of the Alaska treaty, and who stood by the Treasury with heroic virtue, now shudder with horror at the idea of breaking faith with these Indians. If there is anything in our policy more absurd than the rest, it is the solemn farce of entering into treaty stipulations with these roving bands of savage Indians, and treating them as nations, — the majesty of this republic stooping to send out ambassadors to sit in council with painted savages, our wards, and make solemn treaties with them, as though we were treating with sovereign nations! That is the feast to which we are invited. This new batch of treaties is brought in, and we are asked to bind ourselves to make heavy appropriations for thirty years to come.

Then we have thrown in appropriations for old State claims, as if for the purpose of catching votes. Here is a provision for the payment of a little claim to the State of Iowa: "To

supply deficiency of appropriation to pay for depredations committed by Indians in Northwestern Iowa in the year 1857, $10,906.34." But this does not say to whom it is to be paid. It appears to be a little sop thrown to Iowa, and of course it is expected that the delegation from Iowa will defend the claims of their State. I have no fear that they will be caught by this device. I find on the next page a nice little sop to the State of Minnesota. In addition to the $117,000 paid to that State, the provisions of the Deficiency Bill of 1863 are to be extended to cover $12,000 more to be paid out under an act entitled "An Act to amend an Act," etc. to appropriate something passed six or seven years ago. If anybody understands from the reading of it what all that means, let him explain it. It evidently is designed to cover something under its verbiage. Such is the nice little intimation to the patriotic members from Minnesota that they must stand by their State. How many other sops like these can be found scattered through the bill, I do not know.

We are invited to do a patriotic work in the hundred and seventy-fourth amendment, where we are called upon to pay five thousand dollars for the distribution of medals bearing the portrait of General Grant. I suppose this is intended to touch the hearts of the military members of the House. How exceedingly grateful they should be for this opportunity to perpetuate in bronze the face of the President of the United States! On the seventy-fourth page is this item: "Three thousand seven hundred dollars, being a balance of interest at five per cent per month on $39,950, held by the United States, July, 1857, invested in Kansas bonds in December, 1861." My friend from Kansas[1] may perhaps become a convert to this modest interest account.

A MEMBER. Do I understand the gentleman to say five per cent per month?

Yes, sir; that is the rate of interest, sixty per cent per annum, — a call upon the shy State of Kansas for her vote in carrying this bill through the House.

I congratulate myself on one thing. When this bill passed the House, I reluctantly came to the conclusion that it was my duty to vote against it even in the modest form it then assumed;

[1] Mr. Clarke.

and I then declared I would not vote to send another dollar of public money through the channels of the Indian Bureau. I am glad I took the ground I did; I am confirmed in the wisdom of that determination by the exhibition we have seen to-night of the character of the amendments to this bill; and unless gentlemen can show us how it is that we are to pay $3,000,000 more than we were asked to pay by the officers in charge of this bureau, I shall vote to lay the bill and the amendments on the table.

ON the 25th of January, 1871, pending the Indian Appropriation Bill, Mr. Garfield made these remarks: —

MR. CHAIRMAN, — I rise to oppose the amendment. I so thoroughly agree with the main part of the speech of the gentleman from Kentucky[1] that my opposition to his amendment is only *pro forma*, and for the sake of submitting a few remarks.

While it is true that every step toward a mild treatment of the Indian tribes has resulted not only in less barbarism among them, but also in much less expense to the United States, I believe we shall ultimately find one other step necessary. We shall find that the ballot rather than the bullet will be the ultimate settlement of the Indian question. Whenever we shall be able to erect a Territory in which the Indians who are willing to be civilized may enjoy a territorial form of government and exercise the ballot, — when they shall be represented here by their Delegate, with the hope that on their attaining the proper condition of industry and intelligence they will be admitted as a State, — we shall present to all the Indians of the West the alternative of going on in their decline to ultimate extinction, or of joining the movement in the other direction towards civilization. That movement will find its culmination in the autonomy of a State in which civilized Indians shall be citizens, governing themselves by means of the ballot, and taking into their own hands the direction of their destiny. I believe we shall find ultimately that, as the ballot was the salvation of the negro race lately enslaved, so will it be the salvation of such of the Indian race as may be saved from barbarism and extinction.

[1] Mr. Beck.

[... remarks by other gentlemen, Mr. Garfield continued: —]

... chairman, I have only two things to say. The gentleman from Massachusetts[1] and the gentleman from Tennessee[2] ... assume that, in the few remarks I made a moment ago, ... in favor of giving the ballot immediately to the Indians as ... for all these ills. I do not believe the wild Indian can ... the ballot at the present moment any better than he can use ... spelling-book. On the contrary, I mean, when I say that the ... is the ultimate solution of the question, that, if we first ... these Indians on reservations, if we give them the right to ... property in severalty, if we lead them up by degrees, we ... find by and by that, at the top of a slowly ascending scale, ... will have the ballot and a distinct self-government, which will be the final solution of the problem. I did not mean to imply that this result would be reached in a day or a year. That education is a step toward the ballot, no one can doubt. If we analyze free institutions it will be found that the ballot and education are as inseparable as union and liberty, and any man who divorces them will destroy the structure of our government.

But there is one other thing which I wish to say in this connection. Gentlemen have spoken of the difficulties we have had with the wild Indians of the West, and of the horrible massacres perpetrated upon our frontier settlements; and the gentleman from Texas attempted to paint in a Preraphaelite style some of the extreme cases of suffering which had come under his notice. I wish to call the attention of the House to this historical fact, — that north of us, in the British possessions, and over our southern border, in Mexico, beyond our influence, there have been no Indian wars. There never was an Indian massacre in the British and Russian possessions north of us. There has been no Indian massacre even under Mexican rule. Only here in our American belt, in our United States alone, have there been Indian massacres. And why? Because we have pursued the powder and bullet plan of the gentleman from Nevada, and because we have gone out to them with fire and sword.

MR. DEGENER. I ask the gentleman to yield to me for one moment.

The result has been that we have had murder and rapine and all the horrors of Indian slaughter.

[1] Mr. Dawes. [2] Mr Prosser.

MR. BENJAMIN rose.

I see all the warlike gentlemen on their feet. I see them springing up all around me, like warriors from the ambush ready for fight; and the spirit of their remarks makes me feel as though I should have to dodge a hatchet for the sentiments I have uttered. They have the field, for my time has expired.

APRIL 20, 1876, the House being in Committee of the Whole to consider the bill to transfer the bureau of Indian Affairs from the Interior to the War Department, Mr. Garfield made these remarks: —

MR. CHAIRMAN, — In the year 1867 the Committee on Military Affairs, of which I was a member, reported a bill that passed this House making the transfer which is now proposed. In 1868, in the following Congress I believe, I was myself charged with the duty of reporting a bill which made the transfer of Indian affairs to the War Department. The grounds of our action at that time were very clear, and one of them has troubled me a good deal. As an original proposition, I am disposed to believe that, if this transfer was made, we could by court-martial punish frauds upon the Indians, and in the use of money for Indian affairs, more thoroughly and successfully than we can through any civil establishment. That point I am bound to believe is on general principles correct.

But the main ground in favor of the transfer in 1868 was this. We were then pursuing what may be called a war policy towards the Indians; we were having more Indian war than Indian peace; we were obliged to have recourse to the army in order to manage the Indians successfully; and the mixture of military and civil management was about as bad a system as there could be. The army destroyed the Indians, and the civil department took care of them and paid them money. I then became satisfied, and so said in a speech which I have here in the Globe, that the whole civil part of our Indian service was as rotten and corrupt as corruption could well be, and that we must cut out the cancer if we could not otherwise remove it. I went so far as to vote against the Indian Appropriation Bill, declaring that, while such a policy continued, I would never vote another dollar of public money to be expended through that old channel.

There was another consideration. We were then making treaties with the Indians all through the West; we were calling those savage tribes "nations," and making treaties with them as though two nations were sitting in council. All that seemed to be bad.

We passed a bill through the House by a large vote, making the proposed transfer. It went to the Senate, and while it was pending there, while we were expecting it would soon become a law, the Piegan massacre occurred, which shocked the sensibilities of the whole nation. The Senate immediately dropped the bill, and of course it failed to become a law. Shortly afterward General Grant was inaugurated, and with his inauguration, or very soon afterward, began what is known as the peace policy. Congress followed his lead, and agreed that there should be no further general treaties made with the Indians as tribes, but that, co-operating with the churches of the country, a policy of conciliation, of civilization, and, if possible, of Christianization, should be adopted, instead of the old, wretched policy of mixed war and peace which we had pursued for years. I was somewhat in doubt about the wisdom of the peace policy. I studied the question with a good deal of care. We had, under this new policy, and very early in its administration, one Commissioner who certainly did credit to the country and the service. I refer, of course, to General Walker. Under his able, wise, and honest management we saw the Indian Bureau very largely rescued from the slough into which it had fallen. And we have now a Commissioner[1] who is pursuing the same general line of policy, ably and honestly, I believe, that was pursued by General Walker. We have now had five full years of the peace policy, and a large share of all the wild, roaming Indians of 1868 are now peacefully employed in taking the first steps toward civilization. If the reports of this bureau are to be credited, and the reports of the Peace Commissioners as well, a great step has been taken in that direction.

Mr. Chairman, I have stated the Indian problem as it now exists. There are two facts which show the management of our Indian affairs to be a great deal less expensive now than before. In the first place, while we appropriate more money to be expended through the Indian Bureau than before, we appropriate less to be expended through the War Department for

[1] Mr. J. Q. Smith, of Ohio.

fighting the Indians, — far less than we did before; and therefore, on the score of economy, we are certainly paying less money out of the Treasury than under the old policy. That is the first fact. But, secondly, it is claimed by those who have looked carefully into the subject, that a great and worthy progress has been made in the direction of civilizing and Christianizing these Indians. I am not here to say I believe very strongly in the ultimate success of making good citizens of the Indians. I wish it could be done. It is our duty to see the peace policy fairly tried. Now, in the midst of the trial, I do not think we should abandon it by turning the whole business over to a new set of people, with new motives and new opinions on the subject. After we have fairly tried it, if it proves to be a failure, I will then favor transferring the bureau to the War Department; but I believe a fair, honest trial of the peace policy of the President ought first to be had.

The circumstances under which I advocated the transfer were entirely different from those now existing. The argument which I used then was an argument based on entirely different facts from those which now exist. I hold we ought not now to change our policy when the conditions are so different from what they were in 1868. I admit there is a great deal to be said on both sides of this question; I admit that since this debate began I have wavered in my own mind as to how I should act; but it is not in the remotest degree on account of party feeling that I take the position I do to-day. I would as cheerfully vote, and when this debate began I was inclined to vote, with my friends over the way; but the debate has disclosed a greater progress toward civilization on the part of the Indian as the fruit of the peace policy than I supposed the facts warranted us in believing; and on that ground, and on that ground alone, I insist we should not now, until the peace policy has had full time to develop whether it is good or bad, wise or unwise, abandon the plan inaugurated by the government.

MR. BANNING. I wish to ask the gentleman if it was not after the Piegan massacre, and after the Senate had defeated the bill in 1868, that the President of the United States recommended army control of the Indians?

I think General Grant, whether he was President then or not, recommended the transfer later than the Piegan massacre; but I remember that the House and the Senate and the country

were shocked at that massacre, and we regarded it at that time as the breaking down of the bill. I do not say that was a reason why the bill should not have passed, for I was in favor of the bill for some time after the Piegan massacre; and I would still be in favor of it if we had now the old semi-civil, semi-military policy that brought war to the country and destruction to the Indian.

MR. STEELE. Will the gentleman say that the same mixed system of civil and military authority that existed in 1868 does not exist to-day at every one of these agencies?

I am told not. I hold in my hand the report of the Commissioner of Indian Affairs on that very subject, in which he says they have now so far subordinated the wild tribes to the management of the agencies, that only in two principal districts is there any serious necessity for the presence of the army to keep them in peace. In the whole Indian Territory, the whole of California, the whole of Utah, almost all of New Mexico, — the larger part of our territory where the Indians are now found, — we do not need the army, and there is no prospect of its being necessary to exercise force. But up in the wild Sioux country, and perhaps in one other district, we still need the presence of troops to prevent threatened outbreaks. So I think my answer to my friend is complete, that the difference is very great between now and then.

COMMISSIONER WELLS'S REPORT.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES,

JANUARY 19, 1869.

THE following remarks were made pending this resolution: "*Resolved*, That twenty thousand copies of the Report of the Special Commissioner of the Revenue, with appendices complete, be printed for the use of the House, and one thousand bound copies of the same, for the use of the Treasury Department."

MR. SPEAKER,—I confess my great surprise at the opposition of the gentleman from Pennsylvania[1] to the printing of this report of the Special Commissioner of the Revenue. I think, if the gentleman is really in earnest about it, he has made a most damaging admission. We have an officer appointed to examine and report to us facts and recommendations in regard to our financial condition. The Commissioner's annual report is before us, and the gentleman does not wish it printed. He admits, in the first place, that the facts stated are generally correct,—that the statistics collected and arranged in tables are true and correctly stated; but declares that the marshalling of the facts is dangerous,—that they are put together in such a way, and such inferences are drawn from them, that the report is dangerous to Congress, and to the enlightened people of the country. The gentleman asks this House to make a humiliating confession, in which I, for one, am not ready to join. If any theories or opinions of mine can be damaged by facts, so much the worse for my theories. It seems to me that the gentleman gives away his case, abandons his ground of attack, when he starts out by admitting the general correctness of the figures.

What, then, is the fault he finds with the Commissioner? If the things stated are facts, what is the matter? Why, the gen-

[1] Mr. Kelley.

tleman's grievance is contained in a single paragraph of the report found on page 15. As the result of the facts collected from a very wide range of observation, the Commissioner concludes that the cost of living, the food, clothing, shelter, light, and fuel of families, in this country, was about seventy-eight per cent higher in 1868 than it was in 1860–61, the year before the war; while the average wages of the unskilled laborer are but fifty per cent higher, and of the skilled laborer but sixty per cent higher. These are the two deductions drawn by the Special Commissioner from the great mass of facts and figures brought under his observation; and hence he concludes that the laboring man can lay up less of his earnings at the end of the year now than he could in 1860.

The Commissioner has also shown that the wealth in the hands of the capitalists of the country is rapidly increasing. This does not provoke an attack from the gentleman; he either does not deny it, or is glad to have it proved; but he is unwilling to have it shown that labor is not reaping its full share of the increasing wealth of the country. Has the gentleman impeached the correctness of the Commissioner's facts? Not at all. He even admits them. It must be, then, that he refuses to print this report because its facts and deductions do not square with his theories and notions. I call the gentleman's attention to the tables.

Here are twenty-five pages of the Appendix to the report, just from the press, wholly devoted to the very subject of the gentleman's complaint. Appendix D is a series of tables exhibiting the comparative cost of provisions, clothing, rent, and all that makes up the cost of living, in the years 1860 and 1868. These prices were taken from the cities and rural districts of every State, beginning with Maine, and reaching to Ohio. I wish the tables included the West also. Appendix E shows the average wages of labor; and these tables are made up from an equally wide range of observation. The various classes of trades and labor are exhibited in the different States named, and if the statements are incorrect, let them be met and exploded. Now, it becomes gentlemen who discredit the report of the Commissioner to answer the facts set forth in these tables. I do not quarrel with these facts. I only regret that the tables do not include statistics from Ohio, and the States farther West.

MR. DAWES. Does the gentleman mean to say that the Commissioner is at fault in omitting the Western States?

I do not. I only say I regret that these States were not included. Now, sir, this result reached by the Commissioner is no new thing. In 1866, the Commissioner reported that from 1860 to 1866 wages had risen sixty per cent, and the cost of living ninety per cent. Why was not that fact challenged at that time? The statement has been long enough before the country to have been refuted long ago if it is not true.

Let me ask attention for a moment to some facts that I have lately obtained. Hearing that this attack was to be made upon the report, I have asked information from two sources, in order to test the correctness of the Commissioner's position.

In the first place, we have in the army, in the price of rations, a very good mode of testing the cost of living. The fullest competition is allowed to bidders, and the price of the ration is the result of this competition for supplying the army. I have examined the records of the commissary department, and find that the price of rations during the war confirms in a remarkable manner the conclusions of the Commissioner. In the next place, I hold in my hand a table that shows what we have been paying to laborers employed in our public works; and the price, which is adjusted to the general market, sustains fully the conclusions of the Commissioner on that subject. In 1861, here in Washington, we paid unskilled laborers $1.25 per day; we now pay $1.75 per day, an increase of forty per cent. For skilled labor the increase ranged from fifty-five to seventy-five per cent. The following is an official statement of daily wages paid in this city: —

	1861.	1868.	Increase per cent.
Carpenters	$2.00	$3.50	75
Laborers	1.25	1.75	40
Stone-masons	2.50	4.00	60
Brick-masons	2.50	4.00	60
Machinists	2.00	3.00	50
Plumbers	2.25	3.50	55
Blacksmiths	2.00	3.00	50

We are building custom-houses and post-offices, and are improving our rivers and harbors, all over the United States, and our own official records, which were not carried into the Commissioner's table, so far as I have been able to examine them,

all verify the statistics of the Commissioner. I hold in my hand, also, a copy of one of the New York leading papers, published only a few days ago, in which the editor says: —

"There are few men in this tax-ridden country who are more familiar with the cause, or who more clearly see the unfortunate tendency, of the unnatural style of living which prevails at the present day than Mr. David Wells, the Special Commissioner at Washington, from whose report we have previously taken much that was interesting and instructive. In his opinion, these are unhealthy times for individuals, and many of us can heartily endorse that opinion. We are, to be sure, getting on an average better pay than in other days, but how about our expenses? Look at houses, coal, flour, butter, milk, eggs, wood, cloth, and leather, they are no better than they were ten years ago, nor less plentiful, but their cost is vastly greater; so much greater, in fact, that rents are positively extortionate, and the absolute necessaries of life beyond the reach of thousands in this very city."

This is the opinion of a journalist who is speaking of affairs in his own city, and speaking of his own knowledge.

But the gentleman from Philadelphia[1] has given us a new and remarkable revelation about the year 1860. It is the first time I have ever heard it said, by a responsible gentleman, that that year was a disastrous one for the American people. The gentleman stated — I wrote down his words — that 1860–61 was the darkest period ever seen in this country; and he went on to exhibit how hard it was for laboring men to find employment. Now, Mr. Speaker, I differ widely from the honorable gentleman. I remember very well that the distinguished chairman of the Committee of Ways and Means,[2] some three years ago, referred to the year 1860 as the most prosperous year which this republic ever saw; and he gave his reasons for the statement. It was a year of plenty, of great increase. I remember, moreover, that it was a year of light taxes. There was but one other great people on the face of the globe so lightly taxed as the American people. Now we are the most heavily taxed people except one, perhaps, on the face of the globe; and the weight of nearly all our taxes falls at last on the laboring man. This is an element which the gentleman seems to have omitted from his calculations altogether.

The gentleman says that at the present time laborers are doing better than in 1860. I ask him, How many strikes there

[1] Mr. Kelley. [2] Mr. J. S. Morrill.

were among laborers in 1860–61? Were there any at all? And how many were there in 1868? Will the gentleman deny that strikes exhibit an unsettled and unsatisfactory condition of labor in its relations to capital? In our mines, in our mills and furnaces, in our manufacturing establishments, are not the laborers every day joining in strikes for higher wages, and saying that they need them on account of the high price of provisions, or that the capitalists get too large a share of the profits? I want to say, in this connection, that I believe the condition of the laboring man in the West is better than in the East. The element of transportation does not enter so largely into his cost of living. I confess that I was somewhat surprised at the statistics of the Commissioner; for if I had been asked, I should have said the laboring men of my district were doing nearly as well as they were doing in 1860, and perhaps in some cases better; but still I cannot impeach the array of facts he has exhibited. They refer to the eastern portion of the country, however, and the local conditions may be different there.

But let me advert for a moment to another point in the statement of the gentleman. He speaks with triumph of the amount that is now deposited by laboring men in savings banks, as compared with 1860. Why, Mr. Speaker, it seems to me that the facts lead to a conclusion exactly the opposite of that which the gentleman draws. What does it mean? It means that in this country, and especially in the East, in the unsettled state of our commerce and of our currency, men dare not invest their little earnings in business, and they therefore put them into savings banks, where they are lightly taxed, to await solid values and steady times. In the West it is not generally so. A man can buy land and improve it, and thus can work for himself, and have his profits as well as his support while he is laboring. I think that will explain the reason why savings banks are more patronized in the East than in the West.

The gentleman has referred to railroad iron and the vast amount recently brought into this country. Sir, that is the most natural thing in the world. During the war the building of railroads was almost wholly suspended. The work has revived and greatly increased since the war, and in 1868 the new roads were ready for their iron. Hence the unusual demand and the large importation of rails to which the gentleman refers. He must remember that railroad iron has the least pro-

tection of any form of iron. It bears a duty of but seventy per cent, while the next higher grade of iron bears a duty of one hundred and twenty-five per cent. Another fact: while speaking of rolling-mills, I would ask the gentleman from Pennsylvania, and my friend from the Johnstown district,[1] if they know of any railroad-iron mill in this country that has not all the business it can do? Do they know such a mill that has not to-day more orders than it can fill? I say this to show that even the heavy importations of English rails have not broken down our manufacturers.

One word more. This is not the first time we have heard a clamor against the Commissioner of the Revenue. I must advert for a moment to something that occurred about two years ago. At that time the Commissioner recommended a reduction of the tax on whiskey, and gave it as his opinion that thereby the amount of revenue from that source would be increased. In certain quarters a great clamor was raised against him, and I remember very well that a circular was laid before the members of the House charging the Commissioner with being in the interest of the whiskey men. Now, what was the fact? After wasting the revenues of this country in a fruitless and vain attempt to collect a tax of two dollars per gallon on whiskey, the tax was reduced. And with what results? Everything promises that the revenue from this source will this year reach $40,000,000, while it never before has reached $30,000,000 a year, even when the tax was two dollars. I have in my hand a record of the collections in the Chicago district for a few months of this year, showing that the amount of revenue from the present rate of tax upon whiskey is greater than for the corresponding months when the rate of tax was higher. It shows the amounts of tax paid on whiskey under the sixty-five cent tax, and under the two-dollar tax for the same months of 1867 and 1868: —

	1867.	1868.
July	$4,934	$165,552
August	6,821	214,726
September	11,654	84,772
October	54,825	216,916
November	33,291	304,405
December	87,755	326,369
Total	$199,280	$1,312,740

[1] Mr. Morrell.

The tax in 1867 was three times as large per gallon as in 1868, and yet look at the respective receipts in the two years. On the sixty-five cent tax the receipts are nearly seven times as great as on the two-dollar tax!

An officer who has served the country so ably and faithfully as the Special Commissioner of the Revenue deserves well of Congress and the country. I trust the motion to print will prevail.

THE ISSUES OF 1868.

DELIVERED AT ORWELL, OHIO,

AUGUST 28, 1868.

FELLOW-CITIZENS, — This vast audience reminds me of the audience which met me on this same spot some four years ago, and which was addressed by Governor Tod[1] and myself. I remember at that time the Governor said that it was probably one of the last campaigns in which he would find it necessary to stay away from the old Democratic party; that he had joined the Union party only for the purpose of putting down the Rebellion and restoring the Union; that he trusted that by the time another year had passed the great work would be accomplished, and that the Democratic party would renew the discussion of other questions and other issues on which the two parties could agree. But four years have passed by, and we still find the Governor battling for the same great cause, and manfully advocating the same great doctrines, — still pleading and laboring for the success of the Union party. Governor Tod now makes another prophecy, — that he will yet be permitted to die in the bosom of the old party. But, fellow-citizens, there are two objections to this prophecy. In the first place, I am sure that the people of Ohio object to his dying altogether; but if that event cannot be prevented, then, in the second place, so long as the Democratic party maintains its present character and position before the country, I am sure all good men will object to his dying in its bosom, if die he must. He represents one wing of the great Democratic party of former days, — the wing whose leader was Stephen A. Douglass, that great statesman who, in the crisis of 1861, declared that, in view

[1] Hon. David Tod, Governor of Ohio from 1862 to 1864, who had just addressed the Republican mass meeting at Orwell.

of the Rebellion then beginning, there could be but two parties in this country, patriots and traitors. The Governor joined the Union party, not for three years only, but for the war. The war in which he enlisted is not yet ended. We are to-day fighting the same battles, and endeavoring to maintain the same doctrines and principles which were in issue four years ago.

I had supposed, fellow-citizens, that in the campaign of this fall the Democratic party would permit the dead past to bury its dead; that we should be permitted to look forward, and not backward; that they would find their issues in the great questions of the day, not of the past, but of the present and the future. I had supposed Democrats remembered that there had been a war; that the Rebellion had been crushed; that slavery had been abolished; but it seems from their speeches and their papers that they do not remember these things.

In conducting the present campaign, it will not be profitable to discuss those questions upon which the Democratic party are divided; the only legitimate discussion on our part will be on those questions where they are united, and where they antagonize us.

The party do not agree on any financial doctrine. They are not all free-traders, neither are they all tariff men. Some Democrats are in favor of the national banks, and others are in favor of totally abolishing these banks. Those who follow the lead of Mr. Pendleton are in favor of paying the bonds in greenbacks, and those who follow Horatio Seymour denounce the greenback theory of Pendleton as fraudulent and wicked. Some of the leaders are in favor of resuming specie payments; other leaders oppose this, and insist upon another deluge of greenbacks. If it is said that Mr. Pendleton secured the platform adopted by the New York Convention, it must be admitted that those utterly opposed to his doctrines secured the nomination. I therefore affirm here to-day that the Democratic party are not a unit on any leading financial question.

They were not even united in their choice of a Presidential candidate. Seventeen different candidates disputed the honor of the nomination. Many days and many ballots were required to make the selection of a standard-bearer; and when the choice was finally made, it was received very coldly in many parts of the country. The party were far from being satisfied with Mr. Seymour. But, fellow-citizens, there was one man

[illegible] party were united. [illegible]at measure was the [illegible] letter. To that letter

[illegible]ominally to Colonel Brod-

POLITICAL ISS[illegible] [illegible]ocratic Convention at New [illegible] as an aspirant for the Vice-

SPEECH DELIVE[illegible] and with the boldness charac- [illegible] that convention that questions of [illegible] currency, greenbacks, or bonds, [illegible]arison with the one great question of [illegible] he affirmed, was the question of the [illegible]uthern States. That issue he placed in [illegible] that it overshadows all other issues [illegible] declaration on this subject was not gen- [illegible] pointed. He not only declared that all [illegible]ts of Congress are null and void, but he [illegible]ose of the Democratic party to overturn [illegible] do him no injustice, I quote from his letter. [illegible]able language: —

FELLOW-CIT[illegible] the audien[illegible] years ago, and [illegible] myself. [illegible] probably [illegible] necessary [illegible] had [illegible]

down [illegible] by [illegible] [illegible] way to restore the government and the Constitu- [illegible] for the President elect to declare these acts null and [illegible] army to undo its usurpation at the South, disperse the [illegible] governments, allow the white people to reorganize their [illegible] and elect Senators and Representatives. The House [illegible] will contain a majority of Democrats from the North, [illegible] admit the Representatives elected by the white people of [illegible] and, with the co-operation of the President, it will not be [illegible] compel the Senate to submit once more to the obligations of [illegible]stitution."[1]

[illegible]mpel the army to undo the work of Congress in the South- [illegible] States! When did the Democratic party ever compel the [illegible] to do anything in the war? Three quarters of a million of [illegible]mocratic rebels in our front attempted to compel the army, but signally failed. Thousands of Democrats behind us under- took to compel our army to withdraw, and give up the war, but their compulsion did not succeed. In 1864 they declared the war a failure, and demanded the withdrawal of the troops from the South. But Democrats neither in the front nor in the rear were ever able to compel the army to do anything, and it is too

[1] McPherson's History of Reconstruction, p. 381.

late in the day now for Frank Blair, or any other Democrat, to undertake to compel the army to undo the work accomplished by Congress in the way of reconstruction.

But lest I be charged with quoting only the utterance of a single man, lest any one say this is only the doctrine of Frank Blair, and not of the Democratic party, I will say that, on this declaration, he received the nomination for Vice-President, and received it by acclamation. It took a long time to get a candidate for President, but Blair was chosen on the first ballot, and unanimously, because of this clause in his letter. He was chosen to represent the spirit of that letter. When the party came to the construction of their platform of principles, Wade Hampton, of South Carolina, a general of the Rebel army, told the Committee on Resolutions that the South asked one thing, — that the principles set forth in Blair's letter should be made the principles of the party; and the Committee on Resolutions reported the declaration which stands in the platform as the utterance of the whole Democratic party, — that the Reconstruction Acts, so called, of Congress, are usurpations, unconstitutional, and revolutionary. So, then, the issue is made up. The doctrine of Frank Blair and Wade Hampton has become the doctrine of the great Democratic party. On that issue General Blair declares that the battle is to be fought; that that issue overshadows and overrides all other questions; that by the side of it all others are mere trifles. Let me here say to the Democracy, the Republican party accept your challenge; we are ready to meet you on your own chosen ground, and fight the battle of this campaign.

I need not review all the reconstruction measures; many of the questions are already settled; but I will briefly state, first, the grounds on which both Democrats and Republicans agree, and then the grounds of difference between them.

All parties agree that, when the Rebellion collapsed, in 1865, the whole Confederate establishment fell into ruins; that all the governments of the eleven Rebel States were utterly destroyed, and that there was no officer left, from governor to constable, whom the national government could or did recognize. All power in all these States had been based upon the Confederate government, and when that exploded all governments fell together. To prove this I need only quote Andrew Johnson, afterwards the leader of the Democratic party. He declared,

in 1865, that all civil government in the Rebel States was overturned and destroyed. On this question, then, both parties agree. There is no issue here.

But, further, both parties agree that, after the disappearance of State governments in the South, it became the duty of the United States to guarantee to those States lately in rebellion a republican form of government. This was acknowledged to be in accordance with the Constitution. By the wisdom and forethought of our fathers this important provision had been inserted in the Constitution, and here had at last arisen a case for the exercise of the power.

Thus far no difference of opinion had arisen between the two parties. But at this point a very curious question arose. It was this: "Who is the United States?" While this question was before the country, a humble individual from Tennessee stepped forward and said, "Gentlemen, I am the United States; I will do the work." Congress at the time was not in session, and could not contest the pretensions of this gentleman who claimed to be the United States, Mr. Andrew Johnson, of Tennessee. So he went to work to construct republican governments for the Rebel States. He first picked out certain men whom he appointed governors, putting one in each State. These governors fixed up their State Constitutions, but with the solitary exception of Tennessee they were never submitted to the people at all. When Congress met, Mr. Johnson came to the door with a whole armful of documents, and said: "Gentlemen of Congress, here are some States I have been making; I want you to take them in. I have also," he said, "elected eighty men as representatives of these States, whom I want you to admit as members of your houses." We looked at Johnson, then at the representatives, and then at the litter of States he brought us. We looked at the workman, and then at his work, and said, "Mr. Johnson, in the first place, you are not the United States; and in the second place, if you were, you have made a wretched botch of your work." Congress looked at the eighty representatives who were asking to come in, and they saw that, with three or four exceptions, every man among them had blood on his hands. With those exceptions, every man had either been a leader in the Rebel army, or had assisted in originating the Rebellion and in carrying it on. We were asked by the Democratic party and by Johnson to admit these unwashed,

unpardoned, unhung rebels, whose hands were still red with the blood of your children, to seats in the national Congress, to make laws for you and me, and for our children to come after us. Congress refused to admit them. Congress said, "You cannot come in here with your bloody hands to control the affairs of this great nation."

The serious question then arose, Who has authority to build up republican governments in these disorganized Rebel States? On looking into our political history, we found the question had been decided as long ago as 1842. Chief Justice Taney then delivered a decision,[1] in which he declared that, in any case where the validity of a State government was called in question, it was not the province of the Supreme Court, or of the President, to decide, but that it was the sole province of the law-making power. It was therefore clearly the duty of the Congress of the United States, according to the Constitution, to guarantee republican forms of government to the Rebel States of the South. The work was a difficult one. We felt this. We knew that, under the law providing for punishing treason, passed by the First Congress, and approved by Washington, we might try, convict, and hang every Rebel in the South; but Congress determined to do nothing for vengeance. A plan was therefore framed with the design of securing justice to all; a plan to make all men equal before the law; a plan that would protect all in their rights, and secure the country against a rebellion in the future. We proposed to put into the Constitution of the United States a provision allowing the people of the South to exercise their discretion about granting the black men the right to vote, but there was to be this condition: if they would not grant the right, they should not vote for them. Thus we proposed to leave the question with them. It was proposed to admit to political privileges all the Rebels of the South, except those who had been leaders in the Rebellion. It was proposed that the Union debt should never be repudiated, and that the Rebel debt should never be paid. It was proposed that, when the States of the South should frame constitutions on these principles, and adopt the Fourteenth Amendment, they should be restored to all the advantages of the Union.

This plan was submitted to the people in the campaign of 1866,

[1] In Luther *v.* Borden *et al.*, 7 Howard, 1.

and it was approved by the most overwhelming majorities ever given in the Congressional elections. Four fifths of the Union members in the Fortieth Congress were elected on that issue. It was submitted to the people of the South, and, one by one, with the single exception of Tennessee, the Rebel States, under the lead of Andrew Johnson, and by the consent and advice of the Democratic party, rejected the Amendment, and flung it back into our faces with contempt. Under these circumstances we were compelled to decide, either to surrender the whole scheme, or to take severer measures. Congress then determined to take hold of those States with the strong arm of military power, to keep the peace, and to redress the wrongs and injuries of the Union people of the South, until the States would come in on the basis of law. In rebuilding what had been destroyed, we found it necessary to dig deeper. The burned and charred timbers and broken foundations of the old Rebel States were not fit material to work into the great temple of liberty. We dug down to find the solid rock of loyalty, and when we found it we discovered that it was variegated. There was black as well as white marble.

We built at last upon the sure foundation of loyalty. We had found that, whatever might be the color of a man's skin, if he was a friend of the government, and not excluded by acts of treason, he should be made a part of the great political structure. On that broad basis Congress reconstructed the South. Eight of the States have been admitted to representation in Congress, after their constitutions had been framed and submitted to the people. Eight States have adopted the Fourteenth Amendment. Three States have rejected the terms; but the Amendment has been fairly adopted. Even President Johnson has been compelled to announce that it is a part of the Constitution of the United States. The Chief Justice has so declared. So we come back to you now, fellow-citizens, to inform you that the work with which you charged us two years ago has been completed, except in the States of Virginia, Mississippi, and Texas. It is a good thing when men respect laws and constitutions; but they do not always do so. When they fail from better motives, there is a little piece of steel called a bayonet, which never fails to inspire respect, — more respect with some men than law. In these three States we have left the bayonet.

[At this point in the speech, a venerable Democrat in the centre of the audience, who had been listening attentively, asked the speaker if he proposed to adopt constitutional amendments by the bayonet.]

We propose this, my friend. If you persist in forming Ku-Klux Klans in the South to murder Union men, white or black, we propose to use the bayonet. If you will not learn to respect the law through lessons of a milder nature, you must be instructed by cold steel. We propose to see the rights, liberties, and lives of Union men, white and black, protected. This has been the object of Congressional reconstruction from the beginning to the end.

There is one other act that should be mentioned. We said the Union debt should never be repudiated.

Now, the great issue with the Democratic party is this: Shall all this work be undone? Frank P. Blair asks the whole country to face about to the rear, and plunge again into the abyss of war from which we have just been rescued. On the other hand, General Grant, the great leader of the Republican party, says, "Let us have peace." The face of the Democratic party is turned to the rear, but that of the Union party to the front, and its nature is to press forward. It is for you to say, fellow-citizens, in which direction the country shall move.

I am no alarmist; I do not desire to say a word to misrepresent or exaggerate the situation; but I am compelled to believe that the Democratic platform and leaders mean war. Can any one believe that the loyal white men in the South will tamely submit to have all this work overturned? Can any one believe that the three millions of black men lately endowed with political rights will tamely submit to have those rights taken away from them, and be crushed again? Can any man believe that the great Republican party in the North, that have sacrificed so much, will tamely submit to see all that the war has accomplished overturned and destroyed? I affirm it as my conviction, that, if the Democratic party succeed in the election of a President and Vice-President, all we have gained by the war will be lost. The three hundred thousand men who have died in the struggle will have died in vain. The three hundred thousand who were crippled and maimed in the war will have suffered in vain. All will be in vain, all will be lost, if the work we have done is overturned. But elect General Grant, and four years more will settle all these questions, and secure an hon-

orable peace. I refuse to believe that the people of this great land desire to reopen the war. I know I can speak for the soldiers of the republic. We have seen blood enough. Not a single man among them desires to re-enter the strife. It is only the Democratic party, — that opposed the war, that resisted every effort to raise men and money, that denounced us as usurpers and Constitution-breakers, — it is only this Democratic party, aided by the Rebels of the South, who now propose to renew the war. Such men as Wade Hampton, of South Carolina, and General Forrest, of Memphis, leading members of the New York Convention, are telling the people in the South that there is now a chance to save at the ballot-box what they lost in the field. This is the only issue in which the Rebels are interested. I cannot believe, when the people of this country understand the real facts, that they will permit such a scheme to be successful.

All through this Northern country, the Democratic party are careful to avoid the main issue of the campaign. They are calling the attention of the people to questions of finance. They are charging the Republican party with reckless extravagance and unnecessary expenditure of the public treasure, and attempt by this means to divert your attention from the real issues and purposes of the party to these incidental side issues.

I will now, fellow-citizens, for a few moments, look into the questions that are treated with so much concern and gravity by Democratic speakers and presses. In order that I may exhibit the character of the charges which that party makes against us, I will read a sentence from the speech of Horatio Seymour at Cooper Institute, in New York, a few days before he was nominated for President. He says: "Since the war closed, in 1865, the government has spent, in addition to payments on principal and interest, more than one thousand millions of dollars. Of this sum, nearly eight hundred millions has been expended on the army and navy, for military purposes, and all this expenditure was made in time of peace." Now, there is nothing more surprising than the fact that a man occupying the responsible and respectable position that Governor Seymour is supposed to occupy should make such a statement as this. He would have you believe that the Republican party has expended $800,000,000 on the army and navy in a time of profound peace, and within

a period of three years. I ask your careful and thoughtful attention to this astonishing statement. Witness how a plain tale shall put him down.

When the war closed with the surrender of Lee, in April, 1865, there were one million men on the muster-rolls of the army; there were fifty thousand sailors and nearly five hundred vessels in the navy. There was due every soldier and sailor at that time from one to six months' pay, and to nearly every soldier there was due the bounty which had been promised him at the date of his enlistment, but which was not to be paid until he was mustered out of the service. Within one hundred and seventy-four days after the last victory of General Grant over the Rebel army, there was paid out of the national treasury $625,000,000 to the army and navy, in the way of back pay and bounty. Every man of ordinary intelligence must readily see that every dollar of this money was a part of the expenses of the war, and was not, as Governor Seymour asserts, part of the expense of the peace establishment. Governor Seymour takes this $625,000,000, adds to it all the money expended on the army and navy since, and, gravely setting it all down to the credit of the peace establishment, holds it up as an exhibition of the extravagance of the Republican party! I appeal to you, fellow-citizens, to say whether it is fair or honorable to make such a misrepresentation. There is a short and very expressive Saxon word, which I might very properly apply to the statement, but I forbear to use it. I will only say that the statement is utterly untrue, and without the shadow of a foundation.

Again, it is charged by the leaders of the Democratic party that the expenditures of Republican administration are enormous, when compared with the expenditures of Democratic administration. They tell us the expenses of the government under Buchanan's administration amounted to only $90,000,000 per annum, while our annual expenditures now reach more than $300,000,000. Permit me here, fellow-citizens, to state briefly the history of our expenditures.

During the fiscal year ending June 30, 1865, the expenses of the government amounted to $1,290,000,000; during the fiscal year ending June 30, 1866, we reduced them to $540,000,000, less than one half the amount of the preceding year; during the fiscal year ending June 30, 1867, they had been reduced to

$420,000,000, and during the fiscal year which closed on the 30th of June last, our total expenses amounted to $371,000,000. Thus our expenses in 1866 were only forty-two per cent, in 1867 only thirty-two per cent, and in 1868 only twenty-five per cent of what they were in 1865. During this year, we have every reason to believe a still further reduction will be reached.

Now, fellow-citizens, I desire to call your attention to the details of the expenditures of the last fiscal year. There was paid into the Federal Treasury during that year $406,000,000. The people of the United States placed in the hands of the government that sum; and for its proper disposition and economical disbursement that government is responsible to them. As your representative in the Congress of the United States, I am here to-day to tell you what was done with your money. You have the right to require of me a full and fair statement, as far as I am able to give it.

One hundred and sixty-three and a half millions of dollars was received from customs, — from duties on imported goods; $193,000,000 from the internal revenue; $47,000,000 from miscellaneous sources, such as the sale of war material; nearly $3,000,000 from the sale of public lands and the direct tax on lands. Now, what was done with this money? You, the people, have a right to ask. It would not be fair and just to charge all the expenses arising out of the war to the ordinary expenses of the government. I shall, therefore, classify the expenses into extraordinary, or those growing out of the war, and ordinary, or those required to maintain the government in time of peace. The first of the extraordinary expenses was interest on the public debt, amounting in all to $141,500,000. A large amount of this was the interest on the compound-interest notes becoming due, and which, once paid, cannot occur again. Next, we paid in the way of pensions to disabled soldiers and to widows and orphans of dead soldiers, $23,500,000. These are other items: bounties due to soldiers during the war and not paid before, $38,000,000; Freedmen's Bureau, $3,250,000; reconstruction expenses, $1,750,000; reimbursing States for war expenses, $10,250,000; for property lost and destroyed through military operations, $5,000,000; subsistence for starving Indians on the frontier, $1,000,000; for purchase and construction of national cemeteries, $750,000; for commutation to persons losing horses in the service, one sixth of a million; making a

total over and above the ordinary expenses of the government, of $225,000,000.

Now, when the Democratic party accuse us of extravagance, let them say whether they would have refused to make any of these expenditures. Let them say whether they would have refused to pay the debts due the public creditors of the government. Would they have refused to pay the pensions promised the soldier who had been crippled and disabled for life in the service of his country? Would they have refused the poor pittance allowed his impoverished widow or orphan? Would they have refused food to the starving poor of the South, whites and blacks? Would they have opposed appropriating money for the purpose of picking up the scattered bones of our brave boys who had fallen in the South, and depositing them in neat, respectable cemeteries? I call upon them to say whether they would have refused any of these expenditures.

The expenditures of the government, during the last fiscal year, not growing out of the war, amounted to $146,000,000, and probably $10,000,000 of this sum was expended in suppressing Indian hostilities in the West. This would reduce the strictly ordinary expenses to $136,000,000. All this, however, was paid in paper, at a discount of from thirty to forty per cent, while the expenditures under Buchanan, to which the Democratic leaders so often allude in comparison with Republican expenditures, were all in gold. Reduce our ordinary expenditures of last year to gold, and they would not exceed $100,000,000. But it must also be taken into consideration that when Buchanan was President we had less than thirty millions of people; now we have nearly forty millions. We had then only thirty-four States; now we have thirty-eight. The expenses of a country must always increase in proportion to the increase of population and of wealth. Considering the increase in the number of States, in their population and wealth, since the days of President Buchanan, I do not hesitate to affirm that the expenditures of the last fiscal year were more economical than they were under the last Democratic administration.

But they talk of the public debt. No less a person than Rufus P. Ranney, of Cleveland, in a speech at Painesville last Friday, charged the Republican party with having increased the public debt one hundred millions since the war, and I find the same statement going the rounds of the Democratic papers of the

country. Let me here make a statement from the record, — an official statement of the Secretary of the Treasury. On the 30th of June, 1866, the public debt amounted to $2,783,000,000; on the 30th of June, 1868, it amounted to $2,510,000,000, showing a decrease in two years of $273,000,000. During the last year there was a surplus of $34,000,000 to apply on the principal of the public debt. That disposes of the charge that the Republican party have increased the debt.

Again, the Democratic party complain of the heavy taxation imposed on the country by Congress. Fellow-citizens, while the war was in progress there were three words in my political creed. They were all verbs implying action. They were "tax," "fight," and "emancipate." Tax the people to support the army and prosecute the war; fight the Rebels to crush the Rebellion; emancipate the slaves, and realize the glorious doctrines of the Declaration of Independence. Congress did tax the people: it laid heavy burdens upon them. But a brave, noble, and generous people were willing to be taxed. They were willing to bear the burdens and endure the hardships that the country might live. During the war scarcely anything escaped taxation. But since the war closed, the Republican party have reduced taxation as rapidly as possible, or as rapidly as was safe for the country. In 1866 taxation was reduced $60,000,000; in 1867, $40,000,000 more; and by the two acts of February 3, and March 31, Congress at its last session reduced the taxation $67,000,000 more; making a total reduction of taxation during the past two years of $167,000,000. The Democrats, however, still insist that you are terribly burdened with taxation. I have to-day received an official statement from the Internal Revenue Collector of the Nineteenth Ohio District, showing how much tax has been paid by the people of this district each year under the internal revenue laws. I will state the amount. During the fiscal year ending June 30, 1866, they paid $587,000; but so greatly have the taxes been reduced that in 1867 they paid but $382,000; in 1868, they paid but $201,000; and by the reductions made during the last session of Congress, the internal revenue of this district for the next year will not exceed $150,000. There are nearly one hundred and fifty thousand people in this Congressional district. Your internal revenue tax will not average more than one dollar per head. Now, fellow-citizens, I am not afraid that the loyal people of the

Nineteenth District will consider this too great a price to pay for their country and its institutions.

Again, the Democratic party proclaim in their platform the doctrine of equal taxation of all property according to its true valuation. This proposition sounds well, but it is utterly delusive. Consider it for a moment. Suppose all the real and personal property in this State were to be assessed according to its value in the market, and taxed at a fixed rate per cent; farms to be taxed at the same rate as manufactured articles, wheat at the same rate as whiskey, potatoes at the same rate as tobacco, billiard-tables and wagons, billiard-cues and hoes, to be put on an equality, — all articles of luxury, in a word, to be taxed no more than articles of every-day necessity. Who will suppose for a moment that such a system can be acceptable to a free and intelligent people? No party has ever before proposed such a tax system, and I think no party will ever dare to carry out such doctrines in practice. It has long been an established principle with financiers in this country to lay the chief burdens of taxation on articles of luxury, and relieve the necessaries of life.

But the resolution in the Democratic platform to which I allude was evidently designed to reach the bonds and the bondholders. Its authors intend by this resolution to declare themselves the friends of the people as against the bondholders, and demand that all bonds shall be subject to equal taxation, by State and national authority, with other property.

Now, fellow-citizens, I do not hesitate to say that every intelligent Democrat knows that this part of the scheme which proposes taxation of the bonds by State authority is utterly impracticable. Every intelligent Democrat knows that the Constitution of the United States forbids such taxation. It has been eight times decided by the Supreme Court of the United States that a State has no power to tax the securities of the United States. It was so decided in 1819 by Chief Justice Marshall. It was several times so decided by Chief Justice Taney. It has been the almost unanimous opinion of the Supreme Court for the last half-century; and within the last four years it has been decided, not only that the State has no power to tax bonds of the United States, but that Congress cannot, by legislation, confer that right upon the States. If the Democratic party are in earnest when they declare in favor of taxing the

bonds by State authority, why did not the Ohio legislature pass such a law during their late session? It was, fellow-citizens, for the simple reason that they knew such a law would be null and void. The truth is, they have put this plank into their platform to make capital with the people. They suggest a falsehood which they dare not openly advocate.

But I may be asked, Why may not Congress tax the bonds of the United States? Let us examine that question.

In the first place, there are $425,000,000 of bonds that form the basis of the capital of the national banks. The shares of these banks are taxed, both by State and national authority. The total amount of taxes thus levied during the past year amounted to $9,000,000 under State laws, and to $9,000,000 more under Federal laws. Thus the national banks paid $18,000,000 taxes, — more than four per cent on the capital invested. What other species of property bears so large a share of the public burden? Would our agricultural and manufacturing interests quietly submit to that per cent of taxation? In the next place, there are at least $600,000,000 of our bonds now held in Europe. Are we ready to levy taxes on foreigners? Are we ready to assume the right to tax the subjects of France, of Great Britain, and of Germany? Are we ready to raise all the questions of international law likely to arise from such a policy? Are we ready to involve ourselves in a European war in consequence of such a course? If we are not, we should pause before we enter upon such a sweeping policy as that indicated in the Democratic platform. Again, $150,000,000 of the bonds are held by the savings banks of the country as the best and safest method of securing their funds. These savings banks, as you are aware, are the depositories of the small means of laboring men, in sums ranging from fifty to five hundred dollars. Is it wise statesmanship, nay, is it just, to levy a tax on the earnings of this class of our community? Once more, $175,000,000 of our bonds are held by the fire and life insurance companies of the country. Is it desirable to levy a heavy tax on these institutions, every dollar of which will be charged to the people whose lives and property are insured against disaster? Not less than $75,000,000 of bonds are held as endowment funds by our colleges and institutions of learning, and by benevolent institutions; and it has always been the policy of both the State and national governments to make the

taxation of such institutions as light as possible. A large amount of the bonds are held by guardians and trustees for orphans and minor children.

This exhibit shows that nearly three fourths of the bonds are either beyond the reach of legitimate taxation, or are so invested as to make a heavy and exceptional taxation impolitic.

Who hold the remainder of the bonds? There seems to be a general impression that a few capitalists of this country hold the bonds. The Democratic press and speakers talk about the "bloated bondholders," the "aristocratic bondholders," etc. From all I have been able to gather on this subject, I am satisfied that comparatively few of the bonds are held by capitalists. I have in my possession a full list of those persons who hold bonds in two great cities of the West, — Chicago and Cincinnati, — and I observe but few capitalists among them. Such men can make better use of their money. They invest in active, speculative enterprises. The individual bondholders are men of smaller means, — those who have not quite enough capital to go into business, but who have a little money that they wish to invest for future use, and who put it in bonds to save interest. From the records of the Treasurer's Office in Washington I have obtained a statement of the number of the different denominations of bonds now in existence, and I find that seventy per cent of all the bonds are of the denomination of $1,000 or less; only thirty per cent are of denominations of over $1,000, and these large bonds are mostly held by the banks. Of those held by individuals, more than seventy per cent — probably eighty per cent — are in small denominations.

But, all these considerations aside, what will be gained by an exceptional taxation of the bonds? Suppose the Cobb resolution[1] had become a law, and we had levied a tax equal to one per cent on the interest of the bonds. In the first place, this law would be a plain act of repudiation. It would reduce six per cent bonds to five per cent bonds. A five per cent bond is worth but 82⅓ per cent as much as a six per cent bond. Therefore, by taxing the interest one cent on each dollar of the principal, we reduce the value of the property in the hands of the holder 16⅔ per cent. By taxing one cent on the dollar, it is said we save to the treasury $13,000,000 annually. But if that taxation should depreciate the market value of the bonds only

[1] See *ante*, pp. 327-355.

one cent on the dollar, it would take away from the holders $21,000,000; that is, in putting $13,000,000 into the treasury, it would take $21,000,000 out of the pockets of the people.

Now, fellow-citizens, in opposition to all this wretched trickery in finance, I turn with pride and satisfaction to the noble declaration of the Chicago Convention, that the best method of lightening the burdens of taxation is to improve our credit, so that capitalists will seek to lend us money at a lower rate of interest. The average rate of interest throughout Europe is not more than three per cent. We are paying six per cent in gold for all the money that foreigners have loaned us. They buy our bonds at seventy cents on the dollar, and we pay them six cents on each seventy cents they loan us. We pay them five and a half per cent more than they obtain from their European customers. This additional sum is not interest, it is insurance. It is the guaranty which we pay them against their being cheated by repudiation. Every time we pay a million of dollars for interest, we pay more than a million as security to these people that we will not cheat them. If our credit was perfectly good, all this additional price for security would be saved to the treasury. Suppose, too, our credit was as good as a nation as that of Massachusetts is as a State. That little State, through all the darkest days of the war, kept her financial matters in such a condition that, when other States were paying their interest in paper, she paid her creditors, not only according to the letter, but the spirit of her contract. And now witness the result. She negotiated a sterling loan in London, a few months ago, at so great a premium that the interest amounted to but little over three per cent. Her five per cent bonds are to-day worth twenty-one cents on the dollar more than the five per cent gold-bearing bonds of the United States. These things can be explained only on the ground that, in the State of Massachusetts, there are not enough Democrats to get up a respectable effort at repudiation. Could we to-day fund our whole debt on the credit of Massachusetts, we could save four hundred millions of dollars more than by funding it on our own credit. It has been the policy of the Republican party to fund the debt at a lower rate of interest. The funding bill passed by Congress about the close of its last session proposes to obtain loans at four and a half per cent. President Johnson refused his signature to the bill, but a similar one will be passed at the next session of

Congress. Unless the credit of the country is destroyed by the success of the Democratic party or the folly of our own party, we may expect to reduce the whole amount of interest on our public debt at least one third.

Thus, fellow-citizens, may we illustrate the old adage, that honesty is the best policy. For myself, I have long since chosen my course. I prize highly the great confidence and support the people of the Nineteenth District have given me. These are the people who so long sustained Joshua R. Giddings in his struggle for the liberty of all the people. They will not now, I believe, be willing to lower the high standard of morality that has ever characterized them, and become repudiators of the national obligations. But if they do, I should consider myself dishonored by accepting or continuing to hold office on any such terms. Let us maintain the good name and honor of the nation. Its life was saved by the valor of our army and the fidelity of our people. Let us maintain its good name by keeping our engagements with honesty and promptness. In a few years another generation will be here with its seventy-five millions of people, and its sixty billions of wealth. Our population is increasing at the rate of more than three per cent per annum, while our wealth increases at the rate of ten per cent per annum. Twenty years from now the debt will be a light burden to a great, and powerful, and wealthy nation; and our children will pay the last bond with the same affectionate reverence that they will pay the last pension of the last survivor of the great war for the Union.

THE REDUCTION OF THE ARMY.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 9, 1869.

IN the Fortieth Congress, Mr. Garfield held the chairmanship of the Committee on Military Affairs. On the 9th of July, 1868, he reported from that committee a bill to reduce and fix the military peace establishment, which was debated from time to time, but on which no final action was had. At the next session he said, "It was a well prepared, well considered bill, but it did not seem to meet at all the views of some members of the House, and it was therefore overloaded with amendments of such a character that finally the House was entirely unwilling to act upon it in its amended condition. Hence," he continued, "following the lead of others who desired to cut the army to pieces rather than to make what seems to me to be a reasonable reduction, nothing was done last session." February 5, 1869, he obtained permission of the House to report from his committee an amendment to the Army Appropriation Bill, then pending. The next day he reported the amendment, which was in substance his bill of the previous session. On the 9th of the same month, the House being in Committee of the Whole on the Army Appropriation Bill, he discussed the subject of army reduction and organization in the speech following. On the 26th of February, he laid before the House the testimony of army officers, to which he several times refers in his speech, accompanied by a brief report.

The main features of the bill of 1868, and the amendment of 1869, can be gathered from Mr. Garfield's speech. As a whole, his plan failed to pass; but the act making appropriations for the army for the fiscal year ending June 30, 1870, approved March 3, 1869, contained these provisions: —

"That there shall be no new commissions, no promotions, and no enlistments in any infantry regiment until the total number of infantry regiments is reduced to twenty-five; and the Secretary of War is hereby directed to consolidate the infantry regiments as rapidly as the requirements of the public service and the reduction of the number of officers

will permit. . . . . That no appointments of Brigadier-Generals shall be made until the number is reduced to less than eight; and thereafter there shall be but eight Brigadier-Generals in the army. . . . . That hereafter the term of enlistment shall be five years. . . . . That, until otherwise directed by law, there shall be no new appointments and no promotions in the Adjutant-General's Department, in the Inspector-General's Department, in the Pay Department, in the Quartermaster's Department, in the Commissary Department, in the Ordnance Department, in the Engineer Department, and in the Medical Department."

MR. CHAIRMAN, — I desire to state to the committee as briefly as I can the substance of the amendment offered by the Committee on Military Affairs, and to call their attention to the questions involved in the proposed reduction of the army; and as the amendment is likely to meet with some opposition, I shall be greatly obliged if I can have the attention of the committee while I state the conclusions and recommendations of the Committee on Military Affairs, and the grounds of their action.

I wish, in the outset, to say that the committee share to the fullest extent in the general desire and determination of this House to reduce expenditures, and they believe that the extent to which retrenchment ought to be carried should be limited only by the necessities of the public service and the efficiency of the several departments of the government. Retrenchment unwisely made is wastefulness. It is not economy alone that should be considered in reorganizing the army. The committee have proceeded, and I shall proceed, upon the supposition that the question has been settled by Congress that we are to maintain an army of such size and organization as the people are willing to support with their means, and will be proud of as a worthy and valuable instrument of the government. When the army is properly organized, when it is not too large, when it is well officered and well disciplined, it ought to be the pride of every American citizen; it ought to be an institution that we desire to protect; and it is the duty of this House so to adjust and limit its organization that we shall not need to make it the object of every-day attack, but may defend it here while it defends the country and maintains the national honor. It appears to me, therefore, Mr. Chairman, that the preliminary and

primary inquiry is, How large an army do we need? When we have settled that, we should next make all the reduction and retrenchment consistent with the national honor and with the efficiency of the army that we have determined to maintain. To these considerations I invite the attention of the committee.

In order to understand the situation, I beg leave to call the attention of the committee to the size of our army as now authorized by law, and then to what it is in fact.

The army, as it stood before the war, was admitted on all hands to be the smallest organization consistent with the public safety in time of peace. We had in 1860 an army of 11,848 enlisted men and 1,083 commissioned officers. In July, 1866, not quite three years ago, Congress discussed very fully what should be our future army, and, after long debate in both houses, passed the law of July 28, 1866, fixing the military peace establishment. That law authorized five regiments of artillery, ten of cavalry, and forty-five of infantry, and fixed the staff departments as they are now organized. The law so fixed the maximum strength and the minimum strength of a regiment of each arm of the service, that the army might contain as many as 80,370 or as few as 47,270 of enlisted men. Whether it should be in fact the larger or the smaller number, or any intermediate number, was left to the wisdom and discretion of the President of the United States. This law of July, 1866, was the last legislative utterance of the people of the United States through their Congress in regard to their peace establishment, and that utterance declared that we should have an army of about 3,200 commissioned officers, and from 47,000 to 80,000 of enlisted men. The President used the discretion given him by this law, and I will show how he has used it. The new army, organized in accordance with this law, amounted in 1867 to 54,641 men. One year later, as shown by the Army Register of 1868, the army had been allowed to run down to 52,948 men. That was the force in August, 1868. I ought to mention, in passing, that while General Grant was Secretary of War *ad interim* he cut off nearly eighteen thousand civil employees of the army and War Department who were not mustered into the military service. As the necessity of a military police in the late Rebel States diminished, the rank and file of the army has been allowed to decrease by not filling it by enlistments, until, on the

1st of January, 1869, a little more than five weeks ago, the full strength of the army was 38,575 enlisted men, and a few less than 3,000 commissioned officers.

The army is now below the minimum. The law has not been construed as requiring it to be kept up to the minimum, though perhaps a strict construction would require the President to recruit it up to 47,270; and he can to-day order it increased to 80,000 men. Such being the law now, the question is, How much lower shall we fix the legal limit to the size of our army?

In the first place, the Committee on Military Affairs have not thought it wise to depart from the policy of the government, which has not been changed during almost half a century, that, while we do not need to keep in time of peace an army sufficient for a time of war, yet we ought in time of peace to keep alive and in vigorous growth a knowledge of military science and habits of military discipline, and maintain such an organization as can be readily expanded and placed upon a war footing whenever the necessity for it shall arise.

In looking over the debates and historical reviews that followed the war of 1812, I have noticed that it was conceded on all hands, that before the war the army had been allowed to run down to so low a point that, when the war came on, the country found itself with an organization insufficient to be expanded into an army on a war footing; and the Secretary of War, a few years after that war ended, said, in an official report to Congress, that the losses and expenses resulting from this insufficient organization during the first year or two of the war were vastly greater than the expense that would have been incurred in maintaining an army large enough to be readily expanded to a war basis. For this purpose, how much larger is our army now than it ought to be?

Aside from this question we must consider our present situation in regard to Indian hostilities. Last session the Committee on Military Affairs recommended a small reduction in the cavalry arm of the service. At this time they do not report any reduction of the cavalry, for the reason that in the Indian war now in progress, and in Indian wars generally, cavalry are the main reliance. Our officers in command say that infantry can be of little value in actual Indian fighting, especially in the winter time; and in order to meet the necessities of the case, the Secretary of War has raised in Kansas, and has been employing

for the last five or six months, a volunteer regiment of cavalry to serve against the Indians, the cavalry of the army being insufficient for that purpose. So long, therefore, as we find it necessary to employ volunteer cavalry to assist in this Indian war, the committee do not feel themselves justified in recommending a reduction of that arm of the service.

We have now nearly the same artillery organization that we had before the war. In 1860 we had four regiments of artillery; there was an increase of one regiment made by the act of 1866; and it must be remembered that since the passage of that law we have greatly extended our coast, — that we have added an empire to the republic. At the present time, as the records of the War Department show, we have a chain of fortified posts along our coasts, mounting three thousand two hundred and fifty coast guns, and we have not enough enlisted men in the artillery to enable us to put two men to each gun. These fortifications are a part of the defensive force of the United States. If they need not be manned, they must at least be taken care of; and the force that takes care of them should form the military police of our coasts to enforce the collection of revenue, and, if need be, to enforce the respect of all who approach our shores. The committee considered the number of posts now occupied by the army, the number of our fortified works, the number of our coast guns now in place, and have not thought themselves justified in reducing the present force of artillery.

MR. LOGAN. I would like to ask the gentleman a question for information, inasmuch as I have not given the subject much consideration. I would like the chairman of the Committee on Military Affairs to inform the House whether in time of peace there is any necessity for having at each of our forts enough men to man each gun, as if we were in a state of war. In other words, is there any necessity for any more men than may be required to keep the guns and carriages and necessary implements in order?

I quite agree with the gentleman from Illinois, that we do not need in time of peace as many guns as would be required in time of war; nor do I hold that it is necessary even to man all the guns that we have. But I regard it a proper policy for the government to occupy and keep in good order such of our coast defences as are necessary for the protection of the coast, and as may be vitally important to us in case of foreign war.

Passing over several points which may properly be considered when we discuss the details of the bill, I come now to the infantry. In making their recommendations on this subject, the Committee on Military Affairs do not forget that the Secretary of War and the General-in-Chief of the Army, at the opening of this session, were very decided in their recommendations that there be no legislation at present requiring the reduction of the army, and in the opinion that the condition of our affairs would not allow a more rapid reduction than was going on by the expiration of terms of enlistment. Still, the committee, anxious to do everything consistent with safety in the way of the reduction of expenditures, have proposed in this amendment the cutting down by consolidation of fifteen infantry regiments, so that, instead of forty-five regiments, as now authorized by law, there shall hereafter be but thirty. We believe that the progress made in the work of restoring the late Rebel States, and the more pacific aspects of the South under the incoming administration, will warrant us in making this measure of reduction in the line of the army. The consolidation and ultimate reduction of the number of officers and enlisted men of fifteen regiments will result in a reduction of expenses of about ten million dollars per annum.

But the Committee on Military Affairs have raised a question which, in their judgment, is even more important to the country and the army than a specific reduction of numbers; and that question is, whether we cannot, in some departments of the army, make an organic reduction, so that the work of the army may be performed by a smaller number of officers than we now employ. Entertaining views on this subject which we desired to test by the experience of men who had been long in the service, the committee have called before them during the last three weeks a number of distinguished officers, examined them, and have preserved a phonographic report of their testimony. We called line officers of the highest rank accessible to us, except the General-in-Chief of the Army, and officers representing the various staff departments of the army. The results of our investigation will be shortly laid before the House for its information; and I desire to say here, that I know of no documents relating to the army and the various parts of its organization so valuable as this testimony. By these examinations the committee have reached some conclusions which I desire to state.

We have found that during the late war, and indeed for many years, there has been a tendency in the army — a natural one, perhaps — to aggregate force here in Washington. There has been a tendency to build up separate staff departments, distinct from the rest of the army, and to increase the number and rank of the officers in each department; and we observe, generally, that the increase in numbers has been toward the head, rather than toward the foot, of the organization. The development of the army during the last forty years has been in the direction of multiplying bureaus, and increasing the number and rank of officers in each.

MR. BUTLER. What new military bureaus have been created?

Several of the staff departments were created in 1818. The Bureau of Military Justice was created since the war began, and the inspectors have been separated from the Adjutant-General's Department more than they were before. We found on examination that our staff corps differed widely from those of the leading armies of the world. In the French army, for instance, — probably the most perfectly organized in the world, — there is one great staff organization that supplies the army with adjutant-generals, inspectors, aides-de-camp, and other like officers; and another staff charged with the supply of the army. Thus the duties of one staff corps relate to the *personnel*, the duties of the other to the *matériel*, of the army. Yet we have now in our army not less than ten distinct staff organizations, with a constant tendency to increase in numbers and rank. Before the war, only one officer in all the staff corps held the rank of brigadier-general; now there are at the head of these corps nine brigadier-generals, besides a chief of staff of the army of the same rank. The Chief Surgeon of the army has become a brigadier-general; the Chief Paymaster, the Adjutant-General, the Judge Advocate, the Chief Commissary, the Chiefs of Ordnance and of Engineers, have all become brigadier-generals. We have now nineteen brigadier-generals in the army, as authorized by law. The committee inquired how far we might go in consolidating and reducing these staff organizations without diminishing the efficiency of the service.

Our attention was directed to the departments which furnish supplies; particularly the quartermaster, commissary, and pay departments. There appears to be no natural division between

the duties of these departments; and we saw no reason in the nature of the case why one man should buy oats, and another man belonging to another department should buy flour. We saw no particular reason why there should be one department for clothing the army, and another for feeding the army. We found, what is of more consequence, that these departments conflict in many practical points in such a way as to increase the expenditure unnecessarily. In the first place, the commissary department purchases all the supplies that make up the rations of the army. An officer is stationed in New York, for example, as purchasing commissary. He buys the rations; but the moment he has purchased them, they pass out of his hands, and the quartermaster's department becomes responsible for their transportation to the distant points where the army is stationed, when they are taken by an officer detailed from the line, and distributed to the troops. This officer performs at the same time the duties of commissary and quartermaster. The work begins with the commissary department, is transferred to the quartermaster's department, and finally ends with the commissary department, where the rations are issued. When they reach the troops, we find the two departments united in one, yet the accounts are kept distinct. The same officer issues the rations, and clothing, and other supplies, keeps one clerk to make out quartermasters' papers to go up to Washington to the head of that department, and usually at the same time keeps another clerk to send another set of papers through another channel to the head of the commissary department, also in Washington.

Now, it is the natural and laudable desire of an honest commissary to cut down the expenses and the disbursements of money in his department to the lowest point possible. He will, therefore, incline to buy where he can buy cheapest; but when the quartermaster transports these supplies to the troops, the total cost may be far more than it would have been if they had been bought nearer the place of consumption, where they would cost a little more, but would require less transportation. Now, if these two departments were united, purchasing officers, being responsible also for the transportation, would make purchases with a view to economy not only in the purchase, but in the transportation also.

Again, I call attention to the pay department. As now or-

ganized, I have no doubt that our funds are disbursed with as much safety and honesty as those of any country in the world. But consider how the work is done. The country is divided into pay districts, with headquarters in each, at which a force of paymasters is stationed. When troops are to be paid at a distant post, a paymaster starts from his headquarters with a box of money. The quartermaster's department furnishes him transportation, and the commander of the troops gives him a military escort to the place where the payment is to be made. He must be thus escorted from post to post, and finally be escorted and transported back to his headquarters with his surplus funds, if he have any. As the practice is to pay the troops once in two months, this operation must be repeated six times a year, with all its cost of mileage and escort, while at the same time in all these pay districts there is a complete organization of commissaries, and another complete and separate organization of quartermasters, charged with the disbursement of public money and the custody of public property. If the duty of paying the troops were placed in the hands of these officers, the cost of transport and escort would be avoided, and the officers, being always on duty with the troops, could make the payment much more promptly and regularly than it is now done.

It is in evidence before the committee, that many of the troops at distant posts are paid but once in six months, and in some instances not so often as that. It also appears, that at all these posts an officer detailed from the line performs the duty of both commissary and quartermaster, and if, as we propose in the pending amendment, this officer shall be required to give bonds, as now required of disbursing officers in the quartermaster's department, he can pay the troops in addition to his other duties without any additional cost to the government. Considering, therefore, the nature of the duties of these three departments, that they are in many respects complements of each other, and considering also the fact that in some other countries all these functions are performed by one department, the Committee on Military Affairs are of the opinion that the consolidation of the three might safely be made. But they were not willing to recommend so radical a change in the organization of the army on their own judgment alone; they therefore called to their aid officers whose professional duties enabled them to speak from practical knowledge.

It is due to the distinguished officers at the head of the several staff departments to state that most of them were opposed to the proposed consolidation. And I ought to say, that during the late war these departments performed the duties severally devolved upon them with great efficiency. I do not doubt that our army was better fed and clothed, and more bountifully supplied than any other army in modern times; and it was paid as promptly as the state of the treasury would permit. Great praise is due to the men who organized and managed the vast machinery by which the supplies were furnished. But I have no doubt that a staff organization less divided and less independent in its subdivision might have supplied the army equally well and much more economically. I hope soon to lay all the testimony before the House; but in the short time now at my command I can do little more than refer to it. I will, however, place on record a few passages which exhibit the opinions of some officers who testified on the point now under discussion.

[Here Mr. Garfield quoted from the testimony of General John M. Schofield, Secretary of War, in which that officer declared himself in favor of consolidating the commissary, quartermaster's, and paymaster's departments.[1] Mr. Garfield then proceeded.]

In General McDowell's testimony he gives the origin and history of the several staff departments of the army, and sketches the process by which the work of division has gone steadily on for half a century. From the organization of the government under the Constitution down to 1812, the supplies of the army were not furnished by the War Department at all, but by the Secretary of the Treasury. The pay department was not a distinct organization, as it now is, until 1819.

[Here followed a lengthy quotation from the testimony of General Irwin McDowell. Mr. Garfield then continued his remarks.]

It will be seen by this testimony that General McDowell successfully consolidated the two departments in his late command on the Pacific coast, and thus proved its practicability.

The gentleman from Illinois, near me,[2] suggests that he would like to have some evidence from an officer who has himself per-

[1] All the testimony quoted by Mr. Garfield that is here omitted is found in House of Representatives Report, No. 33, 3d Session, 40th Congress, made February 26, 1869.

[2] Mr. Logan.

formed both duties. I am glad to be able to furnish some such evidence. It is the testimony of General Rufus Ingalls, one of the most distinguished officers in the quartermaster's department, whose services as Chief Quartermaster of the Army of the Potomac during the war have become an illustrious part of our history.

[The lengthy quotation made from General Ingalls is omitted. Mr. Garfield continued.]

It will be seen from this that General Ingalls actually performed, for a long period, the duties of these three departments, and he declares that there is no practical difficulty in the way of consolidation. I should quote from the testimony of General Hancock, were it before me; but I will say only that he fully concurs with the officers from whom I have quoted. Another officer who has long been in the pay department, General Ihre, not only confirms these views, but long ago presented the draft of a bill for the consolidation of the three departments.

For these reasons, therefore, the committee believe that those three departments can be consolidated, and we have prepared a section for that purpose, which will reduce the number of officers very considerably. There are at present in those three departments one hundred and eighty-seven commissioned officers. We have proposed a supply department of one hundred and fifteen officers, making a reduction of seventy-two; and we believe that all the duties now performed by the three departments can ultimately be performed as well by the one department as by the present organizations. Indeed, we think they can be better performed.

The committee, however, do not believe it possible to determine beforehand the precise extent to which the reduction in the number of officers can safely go, and they have placed the execution of this law in the hands of the President, giving him such discretion that the service may not suffer by a sudden and violent breaking up of the present organization. Before the reduction is completed, he will have time and opportunity to communicate with Congress on the subject, and to recommend any change that he may deem necessary. But we have proposed this measure of reduction as the mark to be aimed at.

MR. BUTLER. As the gentleman has reached a period, I desire to put a question to him. He says this cuts off seventy-two officers. What does he do with them?

I reserve all I have to say on that subject to a later point, for I have not finished what I desire to say with regard to the consolidation.

MR. LOGAN. I desire to say a word at this point, because I agree with the gentleman in reference to consolidation, and I expect he is more conversant with the matter than I am. I do not suppose the House will take my testimony, for the reason that gentlemen who are called before the Military Committee are generally men of high distinction as military officers; but I will say to the chairman, that when I was a boy I was commissary and quartermaster of a regiment, and performed all the duties with one clerk, and my accounts here show that I did not owe the government a cent. I performed all the duties for two years. That was in 1848.

I am very glad my friend has alluded to that, for he has called my attention to a point I was about to omit, and I think it will have great weight with members of the House. At each of the posts, of which there are many hundreds, there must be an officer to issue rations and supplies to the troops. That officer, in ninety-nine cases in one hundred, performs the duties of quartermaster and commissary, so that the duty of issuing the two kinds of supplies to the troops is now actually performed by one officer, and what the committee recommend is, that we continue the union all the way up to Washington.

I desire to call attention for a moment — for I see my time is rapidly passing — to the next recommendation for consolidation made in this amendment. We have an Ordnance Department, separate and distinct, which has been steadily growing, until at last it really has an independent army under its control. There are now one thousand enlisted men in the military service who receive their orders only from this department. They are not a part of the army under the command of its generals, but under the command of a staff corps at Washington. No department commander commands them. General Grant does not command them. They receive their orders from the Ordnance Department only, unless the President empowers some other officer to give them orders.

Now, what is the business of this Ordnance Department? It is to select the models, and to manufacture and distribute arms and ammunition for the use of the army. The men who use the artillery have nothing to say in regard to the guns or ammunition that they use. It would appear to be only just that the

scientific men who understand all that belongs to artillery should have something to say about their weapons. The testimony of General McDowell on this point is so full and satisfactory, that I quote a passage from it in place of any further discussion of my own.

"*Question.* What is your opinion as to the propriety of consolidating the Artillery arm of the service with the Ordnance Department?

"*Answer.* If you had asked the question as to whether a corps could have been constituted that would do these two services better than the present two organizations, I should say yes.

"*Q.* Give your reason for this.

"*A.* We have now a body of officers [artillerists] who have no lot or part in the devise or manufacture of the artillery and munitions they use, and a body of officers [Ordnance Corps] who do not use, or whose duty it is not to use the guns and projectiles and munitions they make. This, it is true, applies, but in a far less degree, to the other arms of the service; but in the artillery good should come of there being a closer connection between the theory and practice the art than exists. In both the English and the French service the ordnance and artillery, such as is the latter with us, form one corps.

"*Q.* Were they ever so in our service?

"*A.* In the Mexican war, General Scott used the Ordnance officers in the service of his siege artillery. They also served in the light battery. I find we have had an Ordnance Department in which officers of artillery were on duty at arsenals. We had no light artillery at that time, nothing but heavy guns on the seaboard fortifications. We did not have light artillery until 1838. There are many inconveniences in having the ordnance and artillery distinct, but it has also its good side. There is a good deal to be said in favor of it.

"*Q.* Has this question been debated in the army?

"*A.* Yes, to a considerable extent. The Artillery mostly desire it, but the Ordnance Corps oppose the consolidation. They command their own arsenals, and report only to their chief in Washington; they have their appropriations, and construct all their own buildings, and the consequence is you see the Ordnance establishment very much better than any other part of the service. They have a very strong *esprit de corps*, and would dislike very much to see themselves merged into any other branch. The difficulties I see in the way are more of a personal nature than anything else. You get considerable advantage in keeping a man on some special subject."[1]

[1] Report of the Committee on Military Affairs, on Army Organization, H. R., Feb. 26, 1869, pp. 103, 104.

The committee, therefore, recommend that the Ordnance Corps be abolished, and that the officers and troop connected with it be transferred to the Artillery, and that a reduction be made to the extent of sixteen officers.

I intend, also, to move an amendment that the Signal Corps be consolidated with the Engineer Department. We should keep alive in the army the knowledge of signalling, and make it a part of the instruction at the Military Academy; but we want no more force for this purpose than is necessary.

I ought to say, before leaving this subject, that the committee were impressed with the necessity of a reform in the Staff Departments that does not call for legislation to accomplish it. There is in nearly all of them a tendency to independence, which goes far toward destroying that unity of command and authority which should always be possessed by commanders. The Adjutant-General's Department, for example, whose duties should be strictly confined to records, orders, and correspondence, has charge of the recruiting service, and commands thousands of troops. A general commanding a geographical department has no control over recruits or recruiting stations, — no control or supervision of arsenals or depots of provisions, nor of the officers in charge of them; nor has he any right, without special authority from the President, to command an officer of Engineers to perform any duty whatever. It appeared, in the evidence before the committee, that in one instance during the war a captain of Engineers protested against the right of the major-general commanding the department in which he was stationed to order him to inspect a fortification, with a view to putting it in a better state of defence; and the protest was sustained at Washington. In that case, however, the captain was justified by one of the Articles of War. But most of these evils have grown up by almost imperceptible degrees, as matters of custom, and need only executive action to correct them.

There are several other points in the amendment of the committee which I will notice briefly in passing.

We do not propose to abolish brevets altogether, but to regulate them in the future, so that they shall be conferred only in time of war for actual service in the face of the enemy; and that the precedence in rank and command conferred by brevet by the Articles of War shall be taken away. I will not stop to discuss this now, because it has already passed the House, and

has gone to the Senate. We propose, also, to extend the term of enlistment in the future from three to five years. This will give us more efficient soldiers and at less expense, We also propose to reduce the number of non-commissioned officers, and to muster out fourteen of the bands of music now authorized by law.

I now call attention to the mode of reduction proposed. The Committee on Military Affairs believed that the House desired the transfer of the Indian Bureau to the War Department. They therefore put in a provision for that purpose, in the hope that it might be allowed to remain. If that had been done, nearly six hundred civil officers, Indian agents and employees of the government in the Indian service, whose total salaries amount to nearly half a million dollars a year, could have been dispensed with, and their places supplied by officers of the army. That provision has been stricken out, on a point of order made by the gentleman from Massachusetts.[1] Therefore, one of the features of the amendment as reported from the committee, which would have provided for the employment of officers who might be rendered supernumerary by its operation, has been changed by the action of the House, and it rests with the House to say what further change shall now be made in consequence.

But the Committee on Military Affairs have so prepared the measure that the mode of disposing of officers rendered supernumerary thereby is in one section; and if the House choose to make a different disposition of them, it can be done by changing that one section. The settlement of the question involved in that section will require no change in the other sections. Let it be remembered that the reduction proposed is prospective, and not necessarily immediate; for it is placed in the hands of the President to make the reduction as rapidly as the necessities of the public service will permit. It is not certain, therefore, that any officers now in the service will be rendered supernumerary by the President's administration of this law, though they may be; but it is certain that it will before very long bring the army down to a much smaller organization than the present one.

The committee have proposed that the reduction shall be made in two ways. First, that no further promotions shall be

[1] Mr. Butler.

made in any grade until the aggregate of all the officers of that grade shall fall below the number provided for; and, secondly, that no further appointments of officers from without, and no further enlistment of private soldiers, shall be made until the army has been reduced below the limit fixed. I will discuss the merits of this proposition briefly, and appeal to the House to decide upon its justice and propriety.

And, first, what is the principle on which the government has hitherto acted? I believe I am entirely justified by history when I say that the principle of this section is the settled rule of the government in regard to the army, the navy, and the marine corps, and has been the rule for nearly half a century. I do not say that the rule has never been otherwise, but I do say there have been few, if any, exceptions to it in our recent history; the military, naval, and marine peace establishments have not been reduced by musters out, except for personal cause.

I do not take the ground that, merely because a man is in the military service, we are to make him forever an officer, nor that he is better than other people; but I do maintain that this section is based on a rule long maintained by the government, and it has at least this ground of defence, that when men go into the military peace establishment they do so in view of all the conditions of that service. They agree to take a salary far less, in many instances, than the salaries they might obtain in civil life, because of the compensating considerations connected with the service; — these, for example: that if they become disabled in the line of duty, they are under the protection of the pension laws; that if they grow old in faithful service, they are entitled to be retired with a small fixed salary for life; and if they die in the line of their duty, their families will enjoy the benefit of the pension laws. On these conditions, with these prospects before them, men have for many years been entering the military peace establishment, and accepting banishment in the Western wilderness. It may be that the principle is not a sound one; it may be that our fathers settled it unwisely; it may be that our policy in regard to both the army and the navy has been wrong; but it is a fact that this is the settled principle, and that, with this understanding of the case, men have accepted and are now holding commissions in the peace establishment. The Committee on Military Affairs have thought it

wise to follow the old rule, to stand by the established precedents, and they have reported accordingly.

Let me state another view of the case. Suppose we should at once muster out these officers; what would follow? In six months there would occur in the new army fifty or sixty vacancies, and in the course of a year at least one hundred. How will you fill these vacancies? You must either reappoint these men with lower rank than they held before, or you must appoint new and untried men to fill their places; when, if you had waited a short time, the reduction would be accomplished, the necessity of new appointments obviated, experienced officers retained in the army, and no express or implied obligation broken. I will not place this proposition on so low a ground as that we propose to keep these men in the army merely for the purpose of feeding them. I will not insult them by putting them in the attitude of beggars. They can afford to suffer wrong from us much better than we can afford to inflict it upon them. But, sir, they are at this very time employed in important and perilous duties; we are in the midst of an Indian war; and a large portion of our army is still required in the South to maintain the public peace. When faithful officers in the unreconstructed States are bearing the reproaches and scorn of unrepentant rebels, and suffering in the name of the republic the indignity of those who hate it, their position will be a most wretched one if to the contempt of their enemies should now be added the neglect and injustice of their friends. For one, I am not willing, either by speech or by silence, to give any countenance to such treatment of the officers of the army as they received in this House a few days since, when the member from New York City[1] used this language concerning them: "Our avenues and streets are filled with generals and major-generals and captains and colonels drawing full pay, while the poor tax-payer is overburdened with unnecessary taxation, wrung from him for the purpose of supporting these idle vagabonds, who are so well paid, and do nothing."[2]

It may become him who never had any sympathy with the army when it was engaged in putting down the rebellion waged by his friends, to call our officers "vagabonds"; but it does not become this House to indorse by its action so unworthy a sentiment.

[1] Mr. Wood. [2] Congressional Globe, February 5, 1869, p. 927.

I beg gentlemen not to forget that both the Secretary of War and the General-in-Chief of the Army declare that we ought not to make any immediate reduction of the army. But the Military Committee think we ought to provide for a prospective reduction, and they have framed their measure with the view of making that prospective reduction as rapid as the necessities of the service will permit; but even if it keep in the service a few officers more than are absolutely necessary, the committee believe it just to stand by the old rule which has been followed for so many years.

And now let me sum up, in brief, the results of the proposed legislation. It does not command an instant reduction of the army, and mustering out of officers and enlisted men; but it does command the President to make the reduction as rapidly as, in his judgment, the necessities of the service will permit, and to proceed with it until the limit fixed by Congress is reached. What is that limit? We propose to provide that there shall be a reduction of fifteen regiments of infantry, and that hereafter no enlistments shall be made until all the regiments shall have fallen below the minimum now authorized by law. Accordingly, the President will not be allowed to keep in the army at any time more than about thirty thousand men. It may be less; it cannot be more. By the consolidation of the staff departments as proposed, we provide for a reduction of six hundred and thirty-eight commissioned officers. There are now not quite three thousand. It will be a reduction of nearly one fourth of the total number of commissioned officers. The bill proposes to abolish the offices of General and Lieutenant-General on the occurrence of the first vacancy in each, to reduce the number of major-generals to four, and of brigadier-generals to six. I am aware that many personal considerations enter into this feature of the bill. I need not say how willing the committee would be to leave the honor of promotion to the higher positions of General and Lieutenant-General open to some of the distinguished and deserving officers now holding the commission of Major-General. We yield to none in admiration and gratitude for their distinguished services; but we believe the two positions referred to were created as special marks of personal favor, and were not intended by Congress as permanent grades in the army, though the language of the statutes appears to make them such.

Now, Mr. Speaker, in the few minutes left me I desire to call the attention of the House and the country to the history of the relation which Congress has sustained to the army. The past is especially instructive on this subject. What writer of history does not know and regret the fact that our Revolutionary fathers stained the noble record of their early legislation by the manner in which they treated the army of the Revolution after the War of Independence had closed? No man can read the history of that transaction without the most painful regret. But, sir, though there may have been no justification, yet there was an excuse for their conduct which we cannot plead to-day. They lived not far removed from the days of military usurpation; they remembered Cromwell; they remembered the times when a standing army was dangerous to liberty; and so great was their love of liberty that, in her sacred name, they neglected, cruelly neglected, the noble army which made liberty on this continent possible The volume of history which I hold in my hand portrays the dismissal of that heroic army after the battle had been fought and won. I quote a passage.

"To the officers, Congress, after much discussion and delays that savored equally of impolicy and ingratitude, had voted half-pay for life. It is painful to think of the long opposition to the claims of men who, besides risking their lives in battle and their health in the hardships of camp, were necessarily cut off during their most vigorous years from every other method of providing for themselves or their families. To some minds the army seems always to have presented itself as an object of apprehension. In strengthening it against the enemy they were still disturbed by the fear of strengthening it against the people; forgetting that the men who composed it came directly from the body of citizens, and must sooner or later return to it, they feared that the ties by which long service would bind them to their officers might prove stronger than the ties by which they were bound to their families. History troubled them with visions of Cæsars and Cromwells, and, like too many who misapply her lessons, they failed to see how utterly unlike were 'the Thirteen Colonies' to the dregs of Romulus or the England of Charles the First. They erred where sensible men daily err, by applying to one class of circumstances the principles which they have deduced from a class radically different. . . . .

"It was in a great measure this feeling, combined with a morbid attachment to State rights, or rather an imperfect conception of the vital importance of a real Union, that delayed the formation of an army for

the war till the moment for forming it cheaply and readily was passed. It was this feeling which, under the plausible show of strengthening the dependence of the army upon Congress, kept the officers in much feverish anxiety about the rules of promotion. It was this feeling which led John Adams to talk seriously about an annual appointment of generals, and both the Adamses to draw nigh to Gates as a man who, in some impossible contingency, was to be set up against Washington.

"It is not surprising, therefore, that to minds tinged with these suspicions the idea of half-pay for life should seem fraught with serious danger, or that the men who entertained them should have opposed, as an invasion of popular rights, what in the light of impartial history seems a mere act of justice. It was not till the terrible winter of Valley Forge had been passed through, and when Washington saw himself upon the point of losing many of his best and most experienced officers, that a promise of half-pay for seven years to all who should serve through the war was wrung from a reluctant Congress. It took two years more of urgent exhortation and stern experience to overcome the last scruples, and secure a vote of half-pay for life. . . . . On the 3d [November, 1783], they were disbanded. There was no formal leave-taking. Each regiment, each company, went as it chose. Men who had stood side by side in battle, who had shared the same tent in summer, the same hut in winter, parted, never to meet again. Some still had homes, and therefore definite hopes. But hundreds knew not whither to go. Their four months' pay, the only part of their country's indebtedness which they had received, was not sufficient to buy them food or shelter long, even when it had not been necessarily pledged before it came into their hands. They had lost the habits of domestic life, as they had long foregone its comforts. Strong men were seen weeping like children; men who had borne cold and hunger in winter camps and faced death on the battle-field shrank from this new form of trial. For a few days the streets and taverns were crowded. For weeks soldiers were to be seen on every road, or lingering bewildered about public places, like men who were at a loss what to do with themselves. There were no ovations for them as they came back, toil-worn before their time, to the places which had once known them; no ringing of bells, no eager opening of hospitable doors. The country was tired of the war, tired of the sound of fife and drum, anxious to get back to sowing and reaping, to buying and selling, to town meetings and general elections. Congress was no longer king, no longer the recognized expression of a common want, — the venerated embodiment of a common hope. Political ambition looked for advancement nearer home. . . . . It was long before the country awoke to a consciousness of its ingratitude towards these brave men."[1]

[1] Greene's Historical View of the American Revolution, pp. 238–244 (Boston, 1865).

Many years later, one of the noblest speeches that Daniel Webster ever pronounced was in advocating the passage of a law to do tardy justice by granting pensions to the survivors of the Revolution.

After the war of 1812, the size of the army, the tenure of office in it, and the mode of reduction, were again the subject of discussion. The same points which are now made were urged then; and after one able and protracted debate the peace establishment was so adjusted as to avoid almost wholly the mustering out of deserving officers. In 1820, during this debate, the Secretary of War made a report to Congress, in which he set forth the principles which have finally become the settled policy of the government. The subject was so ably handled that I cannot do better than quote a few paragraphs, which state what should be the basis of the peace establishment.

"To give such an organization the leading principles in its formation ought to be, that at the commencement of hostilities there should be nothing either to new-model or to create. The only difference, consequently, between the peace and the war formation of the army ought to be in the increased magnitude of the latter, and the only change in passing from the former to the latter should consist in giving to it the augmentation which will then be necessary. . . . .

"The next principle to be observed is, that the organization ought to be such as to induce in time of peace citizens of adequate talents and respectability of character to enter and remain in the military service of the country, so that the government may have officers at its command who to the requisite experience would add the public confidence. The correctness of this principle can scarcely be doubted, for surely if it is worth having an army at all it is worth having it well commanded. . . . .

"Every prudent individual, in selecting his course of life, must be governed, making some allowance for the natural disposition, essentially by the reward which attends the various pursuits open to him. Under our free institutions every one is left free to make his selection, and most of the pursuits of life, followed with industry and skill, lead to opulence and respectability. The profession of arms, in the well-established state of things which exists among us, has no reward but what is attached to it by law, and if that should be inferior to other professions it would be idle to suppose individuals possessed of the necessary talents and character would be induced to enter it. A mere sense of duty ought not and cannot be safely relied on. It supposes that individuals would be actuated by a stronger sense of duty towards the government than the latter towards them. . . . .

"No position connected with the organization of the peace establishment is susceptible of being more rigidly proved than that the proportion of its officers to the rank and file ought to be greater than in a war establishment. It results immediately from a position, the truth of which cannot be fairly doubted, and which I have attempted to illustrate in the preliminary remarks, that the leading object of a regular army in time of peace ought to be to enable the country to meet with honor and safety, particularly at the commencement of war, the dangers incident to that state; to effect this object, as far as practicable, the peace organization ought, as has been shown, to be such that in passing to a state of war there should be nothing either to new-model or to create, and that the difference between that and the war organization ought to be simply in the greater magnitude of the latter. . . . .

"Economy is certainly a very high political virtue, intimately connected with the power and the public virtue of the community. In military operations, which, under the best management, are so expensive, it is of the utmost importance; but by no propriety of language can that arrangement be called economical which, in order that our military establishment in peace should be rather less expensive, would, regardless of the purposes for which it ought to be maintained, render it unfit to meet the dangers incident to a state of war."[1]

I am content to stand by this doctrine; and guided by it, the Committee on Military Affairs have tried to accomplish two things: to provide for a very large reduction of the expense of the army, and at the same time to preserve the efficiency and spirit of its organization.

[1] Report of John C. Calhoun, Secretary of War, to the Speaker of the House of Representatives, Dec. 12, 1820. State Papers, Class V. (Military Affairs), Vol. II. pp. 188–191.

THE SMITHSONIAN INSTITUTION.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES,

MARCH 1, 1869.

MR. GARFIELD was six times appointed a Regent of the Smithsonian Institution, — in 1865, 1868, 1870, 1872, 1878, and 1879. He is on record as having attended ten different meetings of the Board, in as many different years. He also carefully watched over the interests of the Institution in the House of Representatives. March 1, 1869, the following item in the Miscellaneous Appropriation Bill was reached: "For the preservation of the collections of the exploring and surveying expeditions of the government, $4,000."

Upon this Mr. Garfield made the following remarks.

MR. CHAIRMAN, — I move to amend this paragraph by striking out four thousand dollars and inserting ten thousand dollars. And I wish briefly to call the attention of the Committee of the Whole to the facts upon which I base my motion.

In 1846, when the Smithsonian Institution was founded, the government of the United States, by a law of Congress, transferred to that Institution all the articles belonging to the Museum which the government then owned. At that time it was costing four thousand dollars a year to take care of and preserve those articles. Since then a great number of exploring expeditions have been sent out by the government, and large additions have been made to the Museum; and the actual cost of keeping and taking care of the articles which the government now owns amounts to more than ten thousand dollars a year. Having imposed this duty upon the Smithsonian Institution, it is wrong for the government to ask that Institution to

pay six thousand dollars out of its own fund, — donated by a foreigner to the cause of science in this country — for the care, preservation, and custody of government property, to say nothing of the use of the building for that purpose.

MR. MAYNARD. What are the items of the expenditure for that purpose? It certainly is not all for personal supervision.

Only so far as the Board of Regents have to employ persons to take care of these things and see that they are properly guarded.

I have here a memorial of the Board of Regents, of which I am a member. It is signed by the Chancellor of the Institution, Chief Justice Chase, and by the Secretary of the Institution, Professor Henry. Accompanying that is a detailed statement of the expenses of the National Museum for the year 1868. I ask the attention of members to these papers.[1] It will be seen that the total expense of the Museum for the year is $13,480.38. In addition to the foregoing, $125,000 has been expended since the fire in 1865 on that part of the building required for the accommodation of the Museum, the interest on which, at six per cent, would be $7,500 annually.

The bequest to found this Institution was made by a foreigner who never visited the United States. He bequeathed his fortune with unreserved confidence to our government for the advancement of science, to which he had devoted his own life. The sacredness of the trust is enhanced by the fact that it was accepted after the death of him by whom it was confided. The only indications of his intentions which we possess are expressed in the terms of his will. It therefore became of the first importance that the import of these terms should be critically analyzed, and the logical inference from them faithfully observed. The whole is contained in these few and explicit words: "To found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men." These terms have a strict import, and are susceptible of statement in two definite propositions.

First. The bequest is for the benefit of mankind; it is not to be confined to one country or to one race, but is for all men of all complexions.

[1] The memorial and the statement of the expenses of the Museum for the year 1868 are found in the Congressional Globe for March 1, 1869, p. 1763.

Second. The objects of the Institution are, first, to increase, and, secondly, to diffuse knowledge among men; and these objects should not be confounded with each other.

Smithson's will makes no restriction to any kind of knowledge: hence, every branch of science capable of advancement is entitled to a share of attention.

Though the terms of the will are explicit, and convey precise ideas to those who are acquainted with their technical significance, yet to the public generally they might seem to admit of a greater latitude of construction than has been put upon them. It is, therefore, not surprising that at the beginning improper conceptions of the nature of the bequest should have been entertained; or that Congress, in the act of organization, should direct the prosecution of objects incompatible with the strict interpretation of the will, or that it should impose burdens upon the Institution tending materially to lessen its usefulness. The principal of these burdens was the direction to provide a building on an ample scale to accommodate the collections of the government, consisting of all the specimens of nature and art then in the city of Washington belonging to the government, or that might thereafter become the property of the government by exchange or otherwise.

Though the majority of the Board of Regents did not consider the expenditure on this object of a large amount of the income in accordance with the will of Smithson, they could not refuse to obey the injunction of Congress; hence they proceeded to erect an extensive building and to take charge of the Museum of the government. The cost of this building, which at first was $325,000, has been increased to $450,000 by the repair of damages caused by the fire, the whole of which has been defrayed from the annual income. Notwithstanding this burden, the Institution has achieved a reputation as wide as the civilized world, has advanced almost every branch of knowledge, and has presented books and specimens to hundreds of institutions and societies in this country and abroad.

It is not a mere statistical establishment, as many may suppose, supporting a corps of men whose only duty is the exhibition of the articles of a show museum; but a living, active organization, that has, by its publications, researches, explorations, distribution of specimens, and exchanges, vindicated the intelligence and good faith of the government in administering

a fund intended for the good of the whole community of civilized men. It has at the same time collected a library, principally of the transactions and proceedings of learned societies, consisting of fifty thousand volumes; also a collection of engravings illustrative of the early history and progress of the art, both of which it has transferred to the library of Congress. It is not alone the present value of the books which it has placed in the possession of the government, but also that of the perpetual continuation of the several series contained therein. From its first organization until the present time, the Institution has continued to render important service to the government by examining and reporting on scientific questions pertaining to the operations of the different departments; and it is not too much to say that, in this way, particularly during the war, it has saved the United States many millions of dollars.

Let me say one word more before leaving this subject. As I have shown, the real purpose of the gift of Smithson, which the Board of Regents have tried to promote as well as they could, was to extend and circulate scientific information; and the management of the Institution has always resisted the tendency to keep up and increase this Museum at the expense of the fund. Recently the Institution has given over to the library of Congress a collection of fifty thousand volumes, constituting probably the most perfect scientific library in the world. But we are still charged as an Institution with the cost of this rapidly increasing Museum. Now, the Regents would be glad if Congress would take this Museum off their hands, and provide otherwise for its care. It is a charge imposed upon the Institution by law, — a charge which it never sought and is not desirous to retain. At the time when this Museum was first placed in the custody of the Institution, it cost but four thousand dollars a year to keep it in the Patent-Office. Now its care costs three times that amount. I hope, therefore, that the committee will vote ten thousand dollars for this purpose, instead of four thousand.

THE MEDICAL AND SURGICAL HISTORY OF THE REBELLION.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES, MARCH 2, 1869.

THE following remarks were made upon a joint resolution to print at the government printing-house five thousand copies of the First Part of the Medical and Surgical History of the Rebellion, compiled by the Surgeon-General, and five thousand copies of the Medical Statistics of the Provost-Marshal's Bureau.

MR. SPEAKER, — I desire to occupy the floor for a few moments, and then I will yield to the gentleman from Massachusetts.[1] I hope the mere question as to what committee of the House this bill ought to go to will not divert the minds of members from the merits of the bill itself. I am quite as willing that my friend, the chairman of the Committee on Printing,[2] shall have charge of it as any other gentleman, only I want the House to act upon the bill, and I took charge of it only because it is so directly related to the war and the army as to come properly into the hands of the Committee on Military Affairs.

As to the cost of the printing, I have here a communication from the public printer, as reported in the debate in the Senate, in which he says: —

"The medical and surgical history of the war will be composed of three parts. The first part contains two volumes of nine hundred pages each, and is now ready for the printer. The engravings for it have been obtained under an appropriation made by Congress, and are now in the

[1] Mr. Butler. [2] Mr. Laflin.

Surgeon-General's office, ready to be placed in the books when the text is printed. It is this first part alone [that is, the first of the three parts] which the Surgeon-General wishes to have printed at present. The cost of printing and binding will be as follows: — Paper and printing five thousand copies, two volumes of nine hundred pages each, $24,625; binding the same in cloth, $2,800. Total, $27,425."

We have here a definite statement of the actual cost of the publication of two volumes as estimated by the public printer, being the first third of the whole Medical History of the War.

And now, Mr. Speaker, I desire to say that in the annals of medical history there is not anything more creditable to a nation than the record of our medical operations during the war. Wherever a knowledge of the work of our surgeons has gone, it has received the most flattering commendations of professional and scientific men. In the course of an inquiry before the Committee on Military Affairs, it was ascertained that during the whole war, notwithstanding the great number of sick and wounded, and the enormous preparations for their care, — our comparatively new ambulance system and our vast outlay for medical supplies, — the average cost of medical attendance upon our soldiers was but ten dollars a year; and that, I venture to say, is less than the cost of medical attendance for any other army in modern times.

This resulted from the fact that we have a most admirable medical organization. And, sir, from the beginning of the war to its close the scientific gentlemen who had charge of the medical department of our army preserved all the most remarkable medical and surgical results of the war. We have to-day in this city, filling the old Ford's Theatre, probably the most perfect and valuable medical museum in the world. Professional men and representatives of learned societies at home and abroad concur in pronouncing it the most valuable medical museum ever yet collected. But the materials now ready for publication are even more valuable than the museum.

I hold in my hand the report of a recent meeting of a leading medical association in Paris, in which the medical results of the two great wars in modern times are discussed, — the Crimean war, including both the French and English armies, and our own late war. The rates of mortality resulting from capital operations in the three armies are exhibited in the following table.

"The rates in the three armies are: —

	English Army. Mortal.	Am. Union Army. Mortal.	French Army. Mortal.
Disarticulations at the shoulder	33.3	39.2	61.7
Amputations of the arm	24.5	21.2	55.5
Amputations of the forearm	5.0	16.5	45.2
Disarticulations at the hip	100.0	85.7	100.0
Amputations of the thigh	64.0	64.4	91.8
Disarticulations at the knee	57.1	55.1	91.3
Amputations of the leg	35.6	26.0	71.9
	40.2	33.9	72.8

"In thigh amputations, then, while the American and the British lose 64 in 100, the French lose 91.8. The former lose but 26 per cent in leg amputations, and we lose 71.9. Such a result is heart-rending; it is essential to discuss the cause of such a state of things, for the welfare of French soldiers and the honor of French surgery demand imperiously that they be removed."

It will be seen from this, that while the average mortality in the British army was 40.2 per cent, and in the French army 72.8 per cent, in our army it was only 33.9 per cent, — vastly less than in either of the armies of those two great nations.

In this report of the Surgical Society of Paris, with the whole record of the Crimean war before them as reported by the medical authorities of Great Britain and France, and with only a preliminary report bearing the modest title of a "Circular" from the Medical Department of the Army of the United States, I find the following testimony to the value of the "Circular": —

"One might be astonished to see these 'Circulars' of the Surgeon-General referred to, in comparison with the voluminous and formal reports of the British and French armies, since they were printed simply as a preface to the general medical and surgical history of our war, and are modestly entitled by the Surgeon-General 'Reports on the Extent and Nature of the Materials available for the Preparation of a Medical and Surgical History of the Rebellion.' Yet M. Lefort only concurs with the other leading European reviewers in his estimate of these well-known documents, of which the chief medical quarterly, the British and Foreign Medico-Chirurgical Review, declares that, professedly only a preliminary survey, 'it will itself long form an authentic book of reference both to the military and civil surgeon.'"

Even a mere *résumé* of the materials in our possession is looked upon as of more value than the completed record, both

French and English, of the medical results of the Crimean war. I cannot leave this report without quoting one other passage, in which the comparison is still further carried out.

"The English surgeons kept their wounded at their field hospitals, at Balaklava, at the Monastery of St. George, and only sent them to their hospitals on the Dardanelles when they were able to be moved. Why were our wounded so little cared for? M. Chenu replies that the French army had six times the effective force of the English. Then the necessities of the former were six times greater. It is a culpable want of foresight to send a numerous army far from the mother country, with inadequate supplies. The question reduces itself to this: Now, who was responsible? Was it our army surgeons? Surely not. Eighty-two officers of the French medical staff laid down their lives in consequence of epidemics brought about by maladministration and the neglect of hygienic precautions, — dangers encountered by the entire medical staff with that courage and abnegation which everywhere characterize the true physician. But, alas! in France the medical service of the army is not directed by medical men, and such men as MM. Levy, Larre, Serivé, and Legouest have no voice in the arrangements indispensable to the physical well-being of our soldiers. When the medical director of the Army of the East wished to erect a few pavilion field-hospitals, he had for weeks to exhaust his patience in demonstrating their necessity to intelligent, well-meaning men, who were quite incapable of comprehending his reasoning, and who followed his advice or not, according to their personal prejudices or predilections.

"Happier than the French army, the Americans have no system of military 'intendants'; and though their medical officers had to grapple with difficulties very much greater than those we encountered in the Crimea; although their theatre of war embraced a territory larger than the whole of France; although in the first two years only of the war the enormous aggregate of 143,318 wounded was one of the problems with which they had to deal, — the American military surgeons, left to themselves, free to display all their energy, to avail themselves of all opportunities, to profit by their special training, found means to open to the sick and wounded soldiers two hundred and five general hospitals, containing 136,894 beds; to tend these so that they lost but thirty-three per cent of those operated on; whereas, French surgeons under the tutelage of the military administrative officers had at their command in the Crimea inadequate hospitals and supplies which were a mockery, and lost seventy-two per cent of the patients operated on.

"And yet France was supposed to possess, before the campaign began, a complete medical organization and sufficient supplies, while in America it was necessary to organize everything."

Now, Mr. Speaker, I desire to say that, when our nation occupies so proud a position, — when we have in our hands the most priceless materials that the history of science has ever afforded on this subject, — when we are in a condition to exhibit what will be of more value to the world, and of more credit to the American medical profession than any other document ever possessed by any nation in the world, — it seems to me small business for us to chaffer about the matter of a few hundred dollars of expense. Were the cost of publication all that gentlemen suppose, I should be in favor of printing this work. Even far-sighted economy demands this expenditure. We have already, by the authority given by Congress, ordered the plates; they are engraved and paid for, ready to be set up with the type. The materials are all here, and a little over twenty-seven thousand dollars will give us five thousand copies of one third of the whole of this magnificent work. I shall regret it more than I can express, if this Congress should omit the opportunity to give this work the publicity which it deserves, and take to our country the credit which it has so justly earned.

STRENGTHENING THE PUBLIC CREDIT.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES, MARCH 3, 1869.

MR. GARFIELD was one of the early advocates, if not indeed the originator, of the measure for legalizing gold contracts. February 10, 1868, he introduced a bill for that purpose. This bill became part of a more comprehensive measure, viz. Mr. Schenck's bill of January 20, 1869, "To Strengthen the Public Credit, and Relating to Gold Contracts." This bill, variously amended, passed both houses at the close of the session; but the President gave it a "pocket veto." Reintroduced at the first session of the Forty-first Congress, it promptly passed both houses, and was the first act approved by President Grant, March 18, 1869. It may be fitly transcribed here: —

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in order to remove any doubt as to the purpose of the government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

This law may be called the great legal bulwark of the public credit from 1869 to 1879. Attempts were made to repeal it, but in vain. It was a plain declaration that the obligations of the government were to be

paid in coin; and henceforth there could be no question that the nation was pledged to coin payments. Paper-money men denounced the act and its authors savagely; some declared that, if carried out, it would cost the country a thousand million dollars; it was said to be a gigantic swindle; but, as it gave a new point of departure for financial operations, as well as legislation, men came to acquiesce in it as a thing accomplished; and, in the subsequent financial storms that swept the country, thousands of men, who had been in doubt whether the original acts authorizing the bonds and greenbacks required coin redemption, anchored securely to the great statute "to Strengthen the Public Credit." Mr. Garfield supported the bill in these remarks, made upon the motion to adopt a report of the conference committee to which it had been referred.

MR. SPEAKER,—I favor the first section of this bill because it declares plainly what the law is. I affirm again, what I have often declared in this hall, that the law does now require the payment of these bonds in gold. I hope I may without impropriety refer to the fact that during the last session I proved from the record in this House, and in the presence of the author[1] of the law by which these bonds were authorized, that five distinct times in his speech, which immediately preceded the passage of the law, he declared the five-twenty bonds were payable, principal and interest, in gold; and that every member who spoke on the subject took the same ground. That law was passed with that declaration uncontradicted, and it went into effect stamped with that declaration by both houses of Congress. That speech, made on the eve of the Presidential campaign, was widely circulated throughout the country as a campaign document, and those who held the contrary were repeatedly challenged to refute its statements. I affirm that its correctness was not successfully denied. Not only Congress so understands and declares, but every Secretary of the Treasury from that day to this has declared that these bonds are payable in gold. The authorized agents of the government sold them, and the people bought them, with this understanding.

The government thus bound itself by every obligation of honor and good faith; and it was not until one year after the passage of the law that any man in Congress raised even a

[1] Mr. Stevens of Pennsylvania.

doubt on the subject. The doubts since raised were raised mainly for electioneering purposes, and the question was referred to the people for arbitrament at the late Presidential election. After the fullest debate ever had on any great question of national politics in a contest in which the two parties squarely and fairly joined issue on this very point, it was solemnly decided by the great majority which elected General Grant that repudiators should be repudiated, and that the faith of the nation should be preserved inviolate. We are therefore bound by the pledged faith of the nation, by the spirit and meaning of the law, and finally by the voice of the people themselves, to resolve all doubts, and settle the credit of the United States by this explicit declaration of the national will. The action of the House on this bill has already been hailed throughout the world as the dawn of better days for the finances of the nation, and every market has shown a wonderful improvement of our credit. We could this day refund our debt on terms more advantageous to the government by $120,000,000 than we could have done the day before the passage of this bill by the House. Make it a law, and a still greater improvement will result.

I can in no way better indicate my views of the propriety of passing the second section of this bill, than by reminding the House that I introduced this proposition in a separate bill on the 10th of February, 1868, and its passage has been more generally demanded by the people and press of the country than any other financial measure before Congress. The principle involved in this section is simply this: to make it possible for gold to come into this country and to remain here. Gold and silver are lawful money of the United States; and yet the opponents of this section would have us make it unlawful for a citizen to enforce contracts made hereafter, which shall call for the payment of gold. The very statement of this doctrine ought to be its sufficient refutation. But the minds of gentlemen are vexed with the fear that this section will be an engine of oppression in the hands of creditors. If any new safeguards can be devised that are not already in this section, I know not what they are. Whenever this law is carried out in its letter and spirit, no injustice can possibly result. The whole power of the law is in the hands of the creditor, and he alone is supposed to be in danger of suffering wrong.

In the moment that remains to me, I can do no more than to indicate the grounds on which the justice of this measure rests. It is a great and important step toward specie payments, because it removes the unwise and oppressive decree which almost expatriates American gold and silver. It will not only allow our own coin to stay at home, but it will permit foreign coin to flow hither from Europe. More than $70,000,000 of our gold is going abroad every year in excess of what comes to us, and at the same time in eight kingdoms of Europe there is nearly $500,000,000 of idle gold ready to be invested at less than three per cent interest. In the Bank of England and the Bank of France there has been for more than a year an average of more than $300,000,000 of bullion, and most of that time the bank rate of interest has been less than two per cent. Who can doubt that much of this gold will find its way here, if it can be invested without committing the fortunes of its owners to the uncertain chances of inconvertible paper money?

But the passage of this bill will enable citizens to transact their business on a fixed and certain basis. It will give stability and confidence to trade, and pave the way for specie payments. The Supreme Court has in fact decided that this is now the law; but let us put it on the statute-book as a notice to the people, and to prevent unnecessary litigation.

THE NINTH CENSUS.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES,

APRIL 6, 1869.

THE first six censuses of the United States were taken under special laws, enacted on the eve of each recurring decennial enumeration. May 23, 1850, the President approved "An Act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the Number of the Members of the House of Representatives, and provide for their future Apportionment among the several States." Under this law the censuses of 1850 and 1860 were taken. Mr. Garfield's study of statistics led him to the investigation of the census and of censuses, which revealed to him the many and great defects of the law of 1850. So, January 20, 1869, he offered in the House of Representatives this resolution: "*Resolved*, That a select committee of seven be appointed to inquire and report to the House what legislation is necessary to provide for taking the Ninth Census, as provided by the Constitution; and that said committee have leave to report at any time, by bill or otherwise." The resolution was adopted, and Mr. Garfield was made chairman of the special committee. The subject was not reached that session, and the committee ceased to exist with the House that created it. At the first session of the Forty-first Congress a special committee of nine was created upon the same subject. Political and personal reasons led the Speaker to place Mr. Garfield second upon this committee, but with the understanding that he would be the real chairman. March 24, 1869, he reported a bill for taking the ninth and subsequent censuses, which the House first amended, and then passed. In the Senate no action was had. As Mr. Garfield passed over part of the ground much more thoroughly in his speech of December 16, 1869, some of his remarks upon this bill are here omitted.

MR. SPEAKER,—I am quite sure that I cannot overrate the importance of any bill which this House may pass, to provide for taking the next census, nor can I hope, in the

thirty minutes granted me, to discuss it worthily. I can do no more than indicate some of the leading points connected with the work, and touch upon the principles on which it rests. But for the pressure of business which now crowds the closing days of the session, I should insist on a full discussion of the whole subject, but I yield to necessity, and ask the House not to judge the measure by my support of it.

It is a noteworthy fact, that the Constitution of the United States is the only one among modern constitutions that provides for the taking of a census of the population at regular intervals. Other nations have established methods of taking statistical account of their people, but in ours alone, I believe, is a census made the very basis of the government itself. The fact is also significant as indicating the tendency of modern civilization to find the basis and source of power in the people, rather than in dynasties or in any special theories of government. It is a declaration that the population of the country are the great source of wealth, as well as of power. Our wealth is found not so much in the veins of rich minerals that fill the earth as in the purple veins of our free citizens. Placing this high value on human nature, our fathers wisely required that once in ten years we should make out anew the muster-roll, and ascertain the condition and strength of the great army of civilization which then started on its grand march across the centuries.

This age is pre-eminently distinguished by the fact that it recognizes more fully than any other the reign of law; that not physical nature alone, but man and great communities of men, are modified and controlled by laws which are as old as creation. It is a part of that great reform which Bacon applied to science, and which modern nations are applying to politics. Before Bacon's time, if a man desired to write about the solar system, he sat down in his closet and evolved from his own mind his theory of the universe; he framed a plan of nature, and then tried to bend the facts to suit his theory: but the new system of philosophy changed all this. It taught the man of science that he must become like a little child, sit at the feet of Nature and learn of her; and that only by a patient and humble study of facts and phenomena could he discover the laws by which the universe is governed. In such studies man must be a discoverer, not an inventor. By slow degrees have

mankind come to know that law pervades the universe of mind as well as of matter; and latest of all have they come to the knowledge that men and nations must be studied, and that the social and political forces of a nation must be examined with the same care that the man of science studies nature, before we can frame wise and salutary laws for the government of its people. All attempts of philosophers to form ideal theories of government have been utter failures. Neither Plato's Republic, More's Utopia, nor John Locke's "Fundamental Constitutions for the Government of Carolinas," would ever have been tolerated a day in any nation of the earth. These writers were building kingdoms in the realms of imagination, not on the earth.

The spirit of our times is far different. When we propose to legislate for great masses of people, we must first study the great facts relating to the people, — their number, strength, length of life, intelligence, morality, occupations, industry, and wealth; for out of these spring the glory or the shame, the prosperity or the ruin, of a nation. We must gather, record, and consider these great facts, and make them the basis of our legislation. Men of ancient times resembled rather the German philosopher of whom it is said that, if he was called upon to describe a camel, he could evoke a description of that animal from his consciousness. The modern method would be to photograph the camel or dissect him, and learn from actual observation rather than from the suggestion of the inner consciousness. I believe the time is coming, and indeed is almost here, when the man who comes into this hall as a legislator for the people must come, not merely with theories, but furnished with material facts, which exhibit the condition, wants, wealth, industry, and tendencies of the people for whom he proposes to legislate, or he will be powerless to serve their higher wants. The black-letter learning of the law will not suffice. He must study the laws which the Creator has written in the hearts of men, and in the continents which they inhabit, if he would know how to legislate for a great nation.

This is the age of statistics, Mr. Speaker. The word "statistics" itself did not exist until 1749, whence we date the beginning of the new science on which modern legislation must be based in order to be permanent. The treatise of Achenwall, the German professor who originated the word, laid the foundations of many of the greatest reforms in modern legislation. Statis-

tics are state facts, — facts for the consideration of statesmen, such as they may not neglect with safety. It has been truly said that "statistics are history in repose; history is statistics in motion." If we neglect the one, we shall deserve to be neglected by the other. The legislator without statistics is like the mariner at sea without a compass. Nothing can safely be committed to his guidance.

A question of fearful importance to the well-being of the republic has agitated this House for many weeks. It is this: "Are our rich men growing richer, and our poor men growing poorer?" And how can this most vital question be settled except by the most careful and honest examination of the facts? Who can doubt that the next census will reveal to us more important truths concerning the condition of our people than any census ever taken by any nation? By what standard could we measure the value of a complete, perfect record of the condition of the people of this country, — such a record as should exhibit their burdens and their strength? Who doubts that it would be a document of inestimable value to the legislator and to the nation? How to achieve it, how to accomplish it, is the great question.

We are near the end of a decade which has been full of earthquakes, and amid the tumult we do not yet comprehend the stupendous changes through which we have passed, nor can we until the whole field is resurveyed. If a thousand volcanoes should burst beneath the ocean, the mariner would need new charts before he could safely sail the seas again. We are soon to set out on our next decade with a thousand new elements thrown in upon us by the war. The way is trackless; who shall pilot us? The war repealed a part of our venerable census law, the schedule that was devoted to slaves. Thank God! it is useless now. Old things have passed away, and a multitude of new things are here to be recorded; not only are the things to be taken new, but the manner of taking them requires a thorough remodelling at our hands. If this Congress does not worthily meet the demands of this great occasion, every member must bear his share of the odium that justly attaches to men who fail to discharge duties of momentous importance, which, once neglected, can never be performed.

* * * * *

As the previous law had in it a provision in relation to the basis of representation, we have also treated that subject in this

bill; and for the information of the House I will state the history of our legislation on this subject hitherto.

Before the first census was taken, there were sixty-five members of the House of Representatives. Under the first two censuses, from 1793 to 1813, the basis of representation was a population of 33,000 to a representative. There were, during the first decade, 105 members of the House; during the second, 141. From 1813 to 1823, the basis of representation was 35,000, and there were 181 members. From 1823 to 1833, the basis was 40,000, and the number of members 212. From 1833 to 1843 the basis was 47,700, and the number of members 240. From 1843 to 1853, the ratio was 70,680, and the number of members 223. From 1853 to 1863, the basis was 93,500, and the number of members 234. In 1863 the basis of representation was 127,941, and the number of members 241.[1]

Up to 1850, it will be noticed that the House of Representatives grew, not so fast as population, but nevertheless in a ratio which corresponded in some degree to the increase of population. The law of 1850 made the House of Representatives stationary in numbers, and the basis of representation for a member has increased each decade. Now, according to the best estimate we have seen, the next decade will give us a population of nearly 185,000 for each Representative. This ratio will cut off about seven Representatives from New England, several from the Middle States, and transfer the representative centre of population farther west. The committee believe, on two or three grounds which I will state in a few words, that we ought to change the present basis, and instead of providing that the House of Representatives shall consist of a fixed number of Representatives, allow it to share to some extent the growth of the country. If it does not, every decade will disturb still more the old balance of representative power. Since 1863, 127,941 Americans have had no more representative power than 33,000 had sixty years ago, nor even so much, for then 33,000 elected one out of 181 Representatives; now, 170,000 elect but one out of 233.

Now, the committee believe that 185,000 people is too much for any one man to represent well. The duties thrown upon members of Congress as the result of our late war have made

[1] The law of 1850 fixed the number at 233. Eight additional members were, in 1863, apportioned to as many States by a special act.

an immense increase in the amount of business. The personal relations in which a member of Congress is brought to his constituents, with the increasing business of the nation, will render it erelong impossible, if it be not so already, for any one man to perform well and faithfully all the duties of his station.

If the present system continues, and our districts are to increase in the future in the same ratio as in the past, it will become more and more difficult, and will at length become in many cases impossible, for any one man to truly represent his district. How many large districts are there now, one end of which is agricultural, and perhaps in favor of free trade, while the other end is engaged in manufactures, and perhaps is in favor of a high protective tariff! No man can fairly represent a district so extended that it embraces such diverse opinions and interests.

Again, it was the purpose of our fathers in framing the Constitution that this House should be the large, if not the popular body of Congress, as compared with the Senate. Now, for twenty years the House of Representatives has had no growth. During the same period, the Senate has been growing at the rate of two Senators for each new State admitted into the Union, and the growth of that body in twenty years has been nearly twenty per cent. Let this state of things continue, and ultimately the Senate will become the large body and the House of Representatives the small one. The committee, therefore, believe it is wiser to fix some representative basis, and they propose to fix it at 150,000. According to the best estimates we can get, this will give for the next decade a House of Representatives of about 270 members, an increase of 27 over the number provided for by the present law; and it will probably not decrease the present number of Representatives from any State, though it will of course very considerably increase the number in some of the States.[1]

This whole matter of representation, however, if the House do not think it ought to be considered here, can be dropped out of this bill, and left to be considered after we get the preliminary census report. We have thought it advisable, however, to put it in here, because once in the history of the government there was a long and acrimonious struggle over the question of a representative ratio, growing out of the fact

[1] The law of 1873 made the ratio 130,533, the number of Representatives 292.

that Congress had the figures before them, and each member knew how many members his State would get from any ratio that might be adopted. We can fix that matter now, before we know what the figures will be, letting it hit where it may, better than we can when the result is known, and individual and State interests are involved.

THE NINTH CENSUS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1869.

THE bill that passed the House of Representatives, April 6, 1869, had it become a law, would have been but a tentative measure. As amended, the bill provided for a Census Bureau with a Superintendent at its head; also for a joint committee of the two houses, composed of the House committee already appointed and such committee as the Senate might add thereto, which committee was to investigate the whole subject in the recess of Congress, and to report by bill at the next session. The House bill having failed in the Senate, the House adopted this resolution: "*Resolved*, that the Committee on the Ninth Census shall have power to send for persons and papers and to examine witnesses, in order to ascertain the best method of taking the said Ninth Census, and for obtaining such other information concerning the population, industry, property, and resources of the country as they may think proper, for the purpose of rendering the census and statistics to be obtained forthwith correct and valuable. And said committee are hereby authorized to act during the recess of Congress through sub-committees, and shall report at the next session of Congress a bill for the taking of the census, with such schedules, forms, and directions as they may think best; and the Congressional Printer is hereby authorized to print such portions of the evidence and such documents as said committee may require during the recess, in order that their report may be made in print at the commencement of the next session of Congress."

In the recess a sub-committee, with Mr. Garfield at its head, thoroughly investigated the whole subject, and the first day of the next session a bill was reported "for taking the Ninth Census of the United States, to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States." After lengthy and thorough discussion, the House, having first struck out those parts relating to the number of Representatives and their apportionment among the States, as well as made some minor

changes, passed the bill, December 16. The title, amended to suit the changes made in the bill, was, "A Bill to provide for taking the Ninth Census of the United States." The following is the speech with which Mr. Garfield closed the debate in the House. The Senate tabled the bill after a spirited debate.

Although defeated in 1870, Mr. Garfield's attempt to secure an improved census law was exceedingly fruitful in results that may be here mentioned.

First, it secured some immediate modifications of the law of 1850, the effect of which was to make the census of 1870 more valuable than it would otherwise have been.

Second, it called out a large amount of census literature. The documents published under the direction of the Census Committee were as follows: "Ninth Census of the United States," 48 pages, consisting of letters addressed to the committee by various authorities and experts; "Constitutional Provisions of States with Reference to a Census as the Basis of Representation in their Legislatures," 9 pages; "Provisions of the National and State Constitutions and Laws relating to the Right of Suffrage," 36 pages; and the "Report of the Census Committee," submitted January 18, 1870, 120 pages. This report was prepared under the immemediate direction of Mr. Garfield, and much of it was from his own hand. To some extent it includes the ground covered by the former documents. All in all, this report is to-day the best census manual that has yet appeared. What is more, out of those studies grew the article entitled "Census," in Johnson's Cyclopædia. Touching this report and article, Mr. S. S. Cox said, in the House of Representatives, February 18, 1879: "The exhaustive Report No. 3, Forty-first Congress, made by the gentleman from Ohio, on the 18th of January, 1870, makes it unnecessary for me to collate the history connected with statistical observation. Even if that report were not in existence, the comprehensive article in Johnson's Encyclopædia, by the same distinguished gentleman, would furnish all the information necessary to understand the history of the census, from the beginning of civilization down to and including our own country."

Third, that attempt led to the law under which the census of 1880 was taken. This excellent law was little more than a transcript of Mr. Garfield's bill of ten years before. Mr. Cox, who had the management of the bill of 1880 in the House, speaking of the law of 1850, said: "Indeed, it was confessed by those who prepared that bill, that it was but a trial. Its framers hoped for larger and more liberal legislation in future. In so far as this House is concerned, they gave that legislation in 1870, and the Senate last week has shown its disposition to substitute another law, not unlike ours, for that of 1850."

Mr. Garfield's minor speeches and incidental remarks on the bills of 1870 and of 1880 will be found full of valuable information and useful

thought. The pamphlet entitled, "The American Census, a Paper read before the American Social Science Association, at New York, October 27, 1869, by James A. Garfield," is substantially the same as the following speech. Here are the "materials" referred to below.

"Statistics are History in repose; History is Statistics in motion."—SCHLOSSER.

MR. SPEAKER, — The protracted and patient attention which the House has given to this bill during the last seven days is the best evidence that could be offered of the deep interest felt in the subject; and the fact that no leading feature of the bill as introduced by the committee has been changed by the House is a strong assurance that the House approves of the work of the committee. I now beg leave to present a brief review of the bill in its present shape, as compared with the old law, and will also venture to ask the indulgence of the House in the presentation of some general considerations on the subject of the census as a leading instrument of modern civilization. In doing so I shall take the liberty of using some materials which I have used elsewhere, in discussing the general subject.

The modern census is so closely related to the science of statistics, that no general discussion of it is possible without considering the principles on which statistical science rests, and the objects which it proposes to reach. The science of statistics is of recent date, and, like many of its sister sciences, owes its origin to the best and freest impulses of modern civilization. The enumerations of inhabitants and the appraisements of property made by some of the nations of antiquity were practical means employed sometimes to distribute political power, but more frequently to adjust the burdens of war; but no attempt was made among them to classify the facts obtained, so as to make them the basis of scientific induction. The thought of studying these facts to ascertain the wants of society had not then dawned on the human mind, and of course there was not a science of statistics in the modern sense.

It is never easy to fix the precise date of the birth of any science, but we may safely say that statistics did not enter upon its scientific phase before 1749, when it received from Professor Achenwall, of Göttingen, not only its name, but the first com-

prehensive statement of its principles. Without pausing to trace the stages of its growth, some of the results of the cultivation of statistics in the spirit and methods of science may be stated as germane to this discussion.

1. It has developed the truth that society is an organism, whose elements and forces conform to laws as constant and pervasive as those which govern the material universe; and that the study of these laws will enable man to ameliorate his condition, to emancipate himself from the cruel dominion of superstition, and from countless evils which were once thought beyond his control, and will make him the master, rather than the slave, of nature.

Mankind have been slow to believe that order reigns in the universe, — that the world is a cosmos, and not a chaos. The assertion of the reign of law has been stubbornly resisted at every step. The divinities of heathen superstition still linger, in one form or another, in the faith of the ignorant; and even many intelligent men shrink from the contemplation of one Supreme Will acting regularly, not fortuitously, through laws beautiful and simple, rather than through a fitful and capricious Providence. Lecky tells us[1] that, in the early ages, it was believed that the motion of the heavenly bodies, as well as atmospheric changes, were effected by angels. In the Talmud a special angel was assigned to every star and every element, and similar notions were general throughout the Middle Ages. The scientific spirit has cast out the demons, and presented us with Nature, clothed and in her right mind, and living under the reign of law. It has given us for the sorceries of the alchemist the beautiful laws of chemistry; for the dreams of the astrologer, the sublime truths of astronomy; for the wild visions of cosmogony, the monumental records of geology; for the anarchy of diabolism, the laws of God.

But more stubborn still has been the resistance to every attempt to assert the reign of law in the realm of society. In that struggle statistics has been the handmaid of science, and has poured a flood of light upon the dark questions of famine and pestilence, ignorance and crime, disease and death. We no longer hope to predict the career and destiny of a human being by studying the conjunction of planets at the time of his birth. We study rather the laws of life within him, and the ele-

[1] Rationalism in Europe, Vol. I. p. 289 (New York, D. Appleton & Co., 1866).

ments and forces of nature and society around him. We no longer attribute the untimely death of infants to the sin of Adam, but to bad nursing and ignorance. We are beginning to acknowledge that

> "The fault, dear Brutus, is not in our stars,
> But in ourselves, that we are underlings."

Men are only beginning to recognize these truths. In 1853 the Presbytery of Edinburgh petitioned the British ministry to appoint a day of national fasting and prayer, in order to stay the ravages of cholera in Scotland. Lord Palmerston, the Home Secretary, replied in a letter which, a century before, no British statesman would have dared to write. He told the clergy of Scotland, that, the plague being already upon them, activity was preferable to humiliation; that the causes of disease should be removed by improving the abodes of the poor, and cleansing them "from those causes and sources of contagion which, if allowed to remain, will infallibly breed pestilence and be fruitful in death, in spite of all the prayers and fastings of a united but inactive nation." Henry Thomas Buckle expressed the belief that this letter would be quoted in future ages as a striking illustration of the progress of enlightened public opinion.[1] But that further progress is possible is seen in the fact that, within the last three years, an English Bishop has attributed the rinderpest to the Oxford Essays and the writings of Colenso. In these remarks, I disclaim any reference to the dominion of the Creator over his spiritual universe, and the high and sacred duty of all his intelligent creatures to reverence and worship him. I speak solely of those laws that relate to the physical, intellectual, and social life of man.

2. The developments of statistics are causing history to be rewritten. Till recently, the historian studied nations in the aggregate, and gave us only the story of princes, dynasties, sieges, and battles. Of the people themselves — the great social body, with life, growth, forces, elements, and laws of its own — he told us nothing. Now, statistical inquiry leads him into the hovels, homes, workshops, mines, fields, prisons, hospitals, and all other places where human nature displays its weakness and its strength. In these explorations he discovers the seeds of national growth and decay, and thus becomes the

[1] See History of Civilization in England, Vol. II. pp. 465-467 (New York, D. Appleton & Co., 1867).

prophet of his generation. Without the aid of statistics, that most masterly chapter of human history — the third of Macaulay's History of England — could never have been written.

3. Statistical science is indispensable to modern statesmanship. In legislation as in physical science, it is beginning to be understood that we can control terrestrial forces only by obeying their laws. The legislator must formulate in his statutes not only the national will, but also the great laws of social life revealed by statistics. He must study society rather than black-letter learning. He must learn the truth, "that society usually prepares the crime, and the criminal is only the instrument that completes it"; that statesmanship consists rather in removing causes than in punishing or evading results. Light itself is a great corrective. A thousand wrongs and abuses that grow in the darkness disappear like owls and bats before the light of day. For example, who can doubt that before many months the press of this country will burn down the whipping-posts of Delaware as effectually as the mirrors of Archimedes burned the Roman ships in the harbor of Syracuse?

I know of no writer who has exhibited the importance to statesmanship of this science so fully and so ably as Sir George Cornewall Lewis in his treatise "On the Methods of Observation and Reasoning in Politics." After showing that politics is now taking its place among the sciences, and, as a science, rests its superstructure on observed and classified facts, he says of the registration of political facts, which consists of history and statistics, that it may be considered as the entrance and propylæa to politics. It furnishes the materials upon which the artificer operates, which he hews into shape and builds up into a symmetrical structure. In a subsequent chapter he states the importance of statistics to the practical statesman in this strong and lucid language: "He can hardly take a single safe step without consulting them. Whether he be framing a plan of finance, or considering the operation of an existing tax, or following the variations of trade, or tracing the influences of a poor-law, or studying the public health, or examining the effects of the criminal law, his conclusions ought to be principally guided by statistical data."[1]

Napoleon, with that wonderful vision vouchsafed to genius, saw the importance of this science when he said: "Statistics is

[1] Methods of Observation and Reasoning in Politics, Vol. I. p. 134.

the budget of things; and without a budget there is no public safety." We may not, perhaps, go as far as Goethe did, and declare that "figures govern the world"; but we can fully agree with him that "they show how it is governed."

Baron Quetelet, of Belgium, one of the ripest scholars and profoundest students of statistical science, concludes his latest chapter of scientific results in these words: —

"One of the principal results of civilization is to reduce more and more the limits within which the different elements of society fluctuate. The more intelligence increases, the more these limits are reduced, and the nearer we approach the beautiful and the good. The perfectibility of the human species results as a necessary consequence of all our researches. Physical defects and monstrosities are gradually disappearing; the frequency and severity of diseases are resisted more successfully by the progress of medical science. The moral qualities of man are proving themselves not less capable of improvement; and the more we advance, the less we shall have need to fear those great political convulsions and wars, and their attendant results, which are the scourges of mankind."

It should be added, that the growing importance of political science, as well as its recent origin, is exhibited in the fact that nearly every modern nation has established, within the last half-century, a bureau of general statistics for the uses of statesmanship and science. The thirty states of Europe are now assiduously cultivating the science. Not one of their central bureaus was fully organized before the year 1800.

The chief instrument of American statistics is the census, which should accomplish a twofold object. It should serve the country, by making a full and accurate exhibit of the elements of national life and strength; and it should serve the science of statistics, by so exhibiting general results that they may be compared with similar data obtained by other nations. In the light of its national uses, and its relations to social science, let us consider the origin and development of the American census.

During the Colonial period, several enumerations of the inhabitants of the Colonies were made by order of the British Board of Trade; but no general concerted attempt was made to take a census until after the opening of the Revolutionary war. As illustrating the practical difficulty of census-taking at that time, a passage in a letter written in 1715, to the Lords of Trade, by Hunter, the Colonial Governor of New York, may be interesting: "The superstition of this people is so unsurmountable that

I believe I shall never be able to obtain a complete list of the number of inhabitants of this Province."[1] He then suggests a computation based upon returns of militia and of freemen; afterward the woman and children, and then the servants and slaves. William Burnet, Colonial Governor of New Jersey, writing to the Lords of Trade, June 2, 1726, after mentioning returns made in 1723, says: —

"I would have then ordered the like accounts to be taken in New Jersey, but I was advised that it might make the people uneasy, they being generally of a New England extraction and thereby enthusiasts: and that they would take it for a repetition of the same sin that David committed in numbering the people, and might bring on the like judgments. This notion put me off from it at that time, but since your Lordships require it, I will give the orders to the sheriffs that it may be done as soon as may be."[2]

That this sentiment has not yet wholly disappeared may be seen from the fact, that, at a public meeting held on the evening of November 12, 1867, in this city, pending the taking of the census of the District of Columbia by the Department of Education and the municipal authorities, a speaker, whose name is given in the reported proceedings, said: —

"I regard the whole matter as illegal. Taking the census is an important matter. In the Bible we are told David ordered Joab to take the census, when he had no authority to do so, and Joab was punished for it. He thought these parties [the Metropolitan Police] should be enjoined from asking questions, and he advised those who had not returned the blank not to fill it up, or answer a single question."

As early as 1775, the Continental Congress resolved that certain of the burdens of the war should be distributed among the Colonies "according to the number of inhabitants of all ages, including negroes and mulattoes, in each Colony"; and also recommended to the several Colonial conventions, councils, or committees of safety to ascertain the number of inhabitants in each Colony, and to make return to Congress as soon as possible. Such responses as were made to this recommendation were probably of no great value, and are almost wholly lost.

The Articles of Confederation, as reported by John Dickinson in July, 1776, provided for a triennial enumeration of the inhabitants of the States, such enumeration to be the basis of adjusting the "charges of war, and all other expenses that

[1] New York Colonial MSS., Vol. V. p. 459. [2] Ibid., p. 777.

should be incurred for the common defence or general welfare." The eighth of the Articles, as they were finally adopted, provided that these charges and expenses should be defrayed out of a common treasury, to "be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint." The ninth Article gave Congress the authority "to agree upon the numbers of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State." These Articles unquestionably contemplated a national census, to include a valuation of land and an enumeration of population, but they led to no substantial results. When the blanks in the revenue report of 1783 were filled, the committee reported that they had been compelled to estimate the population of all the States except New Hampshire, Rhode Island, Connecticut, and Maryland.

The next step is to the Constitutional Convention of 1787. The charter of government framed by that body provided for a national census to be taken decennially. Moreau de Jonnès, a distinguished French writer on statistics, refers to this constitutional provision in the following elevated language: "The United States presents in its history a phenomenon which has no parallel. It is that of a people who instituted the statistics of their country on the very day when they formed their government, and who regulated, in the same instrument, the census of their citizens, their civil and political rights, and the destinies of the country."[1] De Jonnès considers the American census the more remarkable because it was instituted at so early a date by a people very jealous of their liberties; and he gives emphasis to his statement by referring to the heavy penalties imposed by the first law of Congress to carry these provisions into effect. It must be confessed, however, that the American founders looked only to practical ends. A careful search through the Madison Papers has failed to show that any member of the Convention considered the census in its scientific bearings. But the Convention gave us an instrument by which those ends can be reached, thus building wiser than they knew. In pursuance

[1] Éléments de Statistique, (Paris, 1856,) p. 173.

of the requirements of the Constitution, an act providing for an enumeration of the inhabitants of the United States was passed, March 1, 1790.

As illustrating the growth of the American census, it is worth observing that the report of the first census was an octavo pamphlet of fifty-two pages, and that of 1800 a folio of seventy-eight pages. Let these pamphlets be compared with the census publications of 1850 and 1860.

On the 23d of January, 1800, a memorial of the American Philosophical Society, signed by Thomas Jefferson as its President, was laid before the Senate. In this remarkable paper, written in the spirit and interest of science, the memorialists prayed that the sphere of the census might be greatly extended; but it does not appear to have made any impression on the Senate, for no trace of it is found in the annals of Congress.

The results attained by the first six censuses were meagre for the purposes of science. That of 1790 embraced population only, its single schedule containing six inquiries. That of 1800 had only a population schedule with fourteen inquiries. In 1810, an attempt was made to add statistics of manufactures, but the results were of no value. In 1820, the statistics of manufactures were again worthless. In 1830, the attempt to take them was abandoned. In 1840, there were schedules of population and manufactures, and some inquiries relating to education and employments.

The law of May 23, 1850, under which the seventh and eighth censuses were taken, marks an important era in the history of American statistics. This law owes many of its wisest provisions and the success of its execution to Mr. Joseph C. G. Kennedy, under whose intelligent superintendence the chief work of the last two censuses was accomplished. This law marks the transition of the American census from the merely practical to the scientific stage. The system thus originated needs correction, to make it conform to the later results of statistical science and to the wants of the American people. Nevertheless, it deserved the high commendations passed upon it by some of the most eminent statisticians and publicists of the Old World. While recognizing the great relative merits of the last census, it is also evident that the important advances made in social science, and the great changes that have occurred in our country during the last decade, require a revision of the

law. To this end, I shall examine the principal defects in the methods and inquiries of the existing law, and shall point out the remedies proposed in the pending bill.

I. *Defects in the present Method of taking the Census.*

1. The work of taking the census should no longer be committed to the charge of the United States marshals. These officers belong to the judicial department of the government; are not chosen with a view to their fitness for census taking or any statistical inquiry; and, whether so qualified or not, the greatly increased duties devolved upon them by the revenue laws, the bankrupt laws, and other legislation, since the last census was taken, make it more difficult now than ever before for them to do this work and do it well; and in the popular mind they are so associated with arrests and seizures, that their census visits will create uneasiness and suspicion.

The unequal size of territory embraced in their several districts leads to an unequal and unwise distribution of the duties of supervision, and this injuriously affects the uniformity, promptness, and efficiency of the work. One is charged with the supervision of all the census work in Massachusetts, with its 1,250,000 inhabitants; while another superintends a district embracing but one half of Florida, and a population of 70,000; and still another has but one third of Alabama, and a population of 320,000.

There are sixty-two judicial districts and as many marshals. Thirty-three of the States and Territories compose each a single district. Ten States contain two districts each, and three are divided into three districts each. This is not only an unequal distribution of duty, but the growth of the country has made many of the districts too large for any one man to perform thoroughly and expeditiously the work of supervision.

2. Too much time is allowed in taking the census and publishing its results. The law of May 23, 1850, allows five months in which to make the enumeration and make the returns to Washington, and authorizes the Secretary of the Interior to extend the time in certain cases. It contains no provision concerning the time of publication. As a consequence, the main report for 1850 was not printed till 1853, and the volume relating to manufactures was not printed till 1859. The preliminary report of 1860 was not printed till 1862; the full reports on

population and agriculture were delayed till 1864, and those on manufactures and mortality till the end of 1866.

It has been strongly urged that the enumeration should be made in a single day; and the example of England is cited to show that it is practicable. But it must be remembered that the inquiries made in the British census are very few in number, and almost exclusively confined to facts of population. General statistics are not provided for in their census. Again, the small extent of territory to be traversed and the density of the population make it possible to carry out a plan there which would prove a disastrous failure here, with our vast areas and sparse population. The census is our only instrument of general statistics, and must be more elaborate than that of countries having permanent statistical bureaus; and, as our enumeration is not of the actual but of the legal population, a longer time, say one month, can safely be allowed.

3. Another important matter (which affects also the question of time) is the present objectionable method of obtaining the population statistics. The census-taker calls on a family, and spreads before them his array of blanks, which they then see for the first time. Suspicions of his inquisitorial character must be allayed; fears that it is an assessment for purposes of taxation must be quieted; the subject must be explained; the memories of the family stimulated, and the data they furnish criticised and recorded. A very capable gentleman, who was an assistant marshal in 1860, has estimated the average time required for each family, exclusive of travel, at thirty minutes. Thus an honest day's work would accomplish the enumeration of not more than twenty families.

Far more important than the waste of time is the inaccuracy which must result from this method. It is not reasonable to suppose that a family can, in half an hour, make anything like a complete and accurate statement of a great number of details to which they have not previously given any special attention.

4. The operations of the Census Office, under the present law, are not sufficiently confidential. The citizen is not adequately protected from the danger, or rather the apprehension, that his private affairs, the secrets of his family and his business, will be disclosed to his neighbors. The facts given by the members of one family may be seen by all those whose record succeeds them on the same blank; and the undigested returns at

the central office are not properly guarded against being made the quarry of book-makers and pamphleteers.

5. The rule of compensation is arbitrary, complicated, and of doubtful wisdom. One rule is followed in paying the officers and employees at the central office; another, for the marshals; and still another, for the assistant marshals.[1] One principle of compensation is adopted for enumerating the inhabitants; another, for taking the statistics of industry; another, for mileage; and still another, for copying returns. It has been charged, on what appear to be reasonable grounds, that these rules offer temptations to exaggerate some parts of the returns, and to make constructive charges, which swell the expenses to an unreasonable degree. It should be added, that the great change which has occurred in prices and wages since the passage of the law makes the rule inapplicable to the present condition of affairs.

To remedy these defects, this bill provides that the enumeration shall be made by persons chosen for their special fitness for such work, and in no way connected with the national constabulary, or with the assessment or collection of taxes. The districts should be much smaller than they now are, — so small that one man may intelligently arrange the work, designate census-takers, of whose qualifications and fitness he may easily have full knowledge, and personally supervise and unify all the work within his jurisdiction. The Congressional district seems

[1] The law of 1850 thus defined the compensation of the census-takers: —

"That each assistant shall be allowed as compensation for his services after the rate of two cents for each person enumerated, and ten cents a mile for necessary travel, to be ascertained by multiplying the square root of the number of dwelling-houses in the division by the square root of the number of square miles in each division, and the product shall be taken as the number of miles travelled, for all purposes, in taking this census.

"That in addition to the compensation allowed for the enumeration of the inhabitants there shall be paid for each farm, fully returned, ten cents; for each establishment of productive industry, fully taken and returned, fifteen cents; for the social statistics, two per cent upon the amount allowed for the enumeration of population; and for each name of a deceased person returned, two cents."

In his remarks of April 6, 1869, Mr. Garfield read the following letter: —

"SIR, — The rule which has been adopted for the compensation of officers for the taking of the census does not appear to me to have any sound foundation in reason, and to be obviously inconsistent with fact. It might easily be perverted to false uses, and I should regard it as wiser and safer to introduce a system of compensation which was made dependent upon the good judgment and experience of faithful and intelligent supervision.

"BENJAMIN PEIRCE, *Supt. U. S. Coast Survey.*"

to be the most convenient and appropriate unit of classification for the States; and each Territory may properly, as under the present law, constitute a district.

Separate schedules, at least for the household, the farm, and for manufacturing, commercial, and other industrial establishments, are to be distributed before the day to which the enumeration relates, so that the people may be familiarized with the inquiries made, and that, as far as possible, the blanks may be filled up without the aid of the census-taker. This will insure greater correctness, and will greatly reduce the time required for the enumeration. By the use of these schedules, and the organization provided in the bill, it is believed that the enumeration may actually be completed in one month, beginning on the 1st of June.

We propose to put into the law, and into the official oath of all officers and employees of the bureau, a provision that the returns of the census shall be confidential, that the business of no citizen shall be made public, and that the returns of money values shall not in any way be made the basis of taxation, nor be used as evidence in the courts. These provisions of the law should be printed on the schedules, and the President should issue his proclamation, calling upon all the people to aid in making the returns as full and accurate as possible. A liberal compensation, in the simple form of salary or *per diem*, with no mileage or constructive charges, is provided, and the time during which persons may receive compensation is carefully restricted. A sufficient clerical force is provided in the Census Office at Washington to tabulate, condense, and arrange the whole for publication within two and a half years after the returns are in. The results ought to be published in a form considerably more condensed than in the last report.

II. *Defects in the Inquiries prescribed in the Population and Mortality Schedules of the present Law.*

1. As numbered in the census of 1860, the first three schedules relate to statistics of population and mortality, of which the second has exclusive reference to slaves. We are now happily one people, and need but one population schedule. All the inquiries retained from the three have been entered on the family schedule, and, dropping the nine inquiries of the slave schedule, other important ones have been added without greatly

increasing the aggregate number. None of the inquiries of the first and third schedules have been wholly omitted, but several have been modified. That relating to color has been made to include distinctively the Chinese, so as to throw some light on the grave questions which the arrival among us of the Celestials has raised.

2. The committee believe that the value of the inquiry in regard to persons attending school will be greatly enhanced by requiring the enumerator to enter under that head the grade of the school, whether a common school, academy, college, or professional school. This has been done on the schedule relating to educational institutions. By the old law the registration of those who cannot read and write is required only in cases of persons twenty years of age and upward. This registration has been extended to persons fifteen years old. It is more important to know how many illiterate persons there are between the ages of fifteen and twenty than at any later period; for between ten and twenty it is usually determined whether an education is gained or lost.

3. The last column of the first schedule has been so amended as to exhibit more fully the physical force of the population of the country. The war has left us so many mutilated men, that a record should be made of those who have lost a limb, or who have been otherwise disabled; and the committee have added an inquiry to show the state of public health, and the prevalence of some of the principal diseases. Dr. Edward Jarvis, of Massachusetts, one of the highest living authorities on vital statistics, in a masterly paper presented to the committee, urged the importance of measuring as accurately as possible the effective physical strength of the people.

It is not generally known how large a proportion of each nation is wholly or partially unfitted, by physical disability, for self-support. The statistics of France show that, in 1851, in a population of less than 36,000,000, the deaf, dumb, blind, deformed, idiotic, and those otherwise mutilated or disabled, amounted to almost 2,000,000. We thus see that, in a country of the highest civilization, the effective strength of its population is reduced one eighteenth by physical defects. What general would venture to conduct a campaign without ascertaining the physical qualities of his soldiers, as well as the number on his rolls? In the great industrial battle which this

nation is now fighting, we ought to take every available means to ascertain the effective strength of the country. Besides the inquiries in these schedules that have been amended, a few new ones have been added.

Since the present census law was passed, an International Statistical Society has been organized; and some of the profoundest scholars of Europe and America have united to give it authority and efficiency in the treatment of social questions. At several of its sessions the subject of national censuses has been very ably and elaborately discussed, and recommendations have been made looking to greater efficiency and uniformity both in methods and inquiries. A collation and comparison of the personal statistics of twenty-seven modern states and nations show that, in all these states, there have been thirty-three different inquiries made in regard to population. From these the International Congress selected eight, which they recommended to all nations as indispensable for purposes of general statistical science, and seven others, which they urged the use of whenever it was practicable. Two of the inquiries urged by the Congress as indispensable are not in our old schedule of population, but are here added. One is the relation of each person to the head of the family, — whether wife, son, daughter, boarder, servant, etc.; and the other is the civil or conjugal condition of each person, — whether single, married, or widowed. These elements are the leading factors which determine the power and value of the family as a social and producing force, and in them are infolded the destiny of the nation.

It has been strongly urged, and with good reason, that to the inquiry for the birthplace there should be added an inquiry for the birthplaces of the father and mother of each person. This would enable us to ascertain the relative fecundity of our American and foreign-born populations. It has lately been asserted that the old ratio of increase among our native population is rapidly diminishing. If this be true, such a vitally important fact should be ascertained, and its full extent and significance determined. An inquiry concerning parentage was accordingly inserted in the schedule by the committee.

An inquiry was also added in regard to dwelling-houses, so as to exhibit the several principal materials of construction, as wood, brick, stone, etc., and the present value of each. Few

things indicate more fully the condition of a people than the houses they occupy. The average home is not an imperfect picture of the wealth, comfort, refinement, and civilization of the average citizen. The census ought to show us how comfortable a place is the average American home, and how great a physical and social force is the average American citizen.

4. Two other inquiries not in our schedules were suggested as advisable; namely, the language spoken and the religion professed by each person. But in a nation whose speech is so nearly one the first is hardly needed, in addition to the light that will be thrown upon this question by the record of nationality, and the second might be deemed an uncalled for impertinence; and the committee therefore omitted them.

5. I shall conclude the discussion of personal statistics with one further statement.

The Thirteenth and Fourteenth Amendments to the national Constitution have radically changed our representative system, and provided for a redistribution of political power. By the former, two fifths of those who were lately slaves are added to the representative population; by the latter, the basis of representation for each State is to be determined by finding the whole number of male citizens of twenty-one years of age whose right to vote is denied or abridged for any other reason than participation in rebellion or other crime, and reducing the whole population in the ratio which the number thus excluded bears to the whole number of adult male citizens.

The census is our only constitutional means of determining the political or representative population. The Fourteenth Amendment has made that work a difficult one. At the time of its adoption, it was generally understood that the exclusion applied only to colored people who should be denied the ballot by the laws of their State. But the language of the article excludes all who are denied the ballot on any and all grounds other than the two specified. This has made it necessary to ascertain what are in fact the grounds of such exclusion, and the Census Committee have compiled from the constitutions and laws of the several States a record of exclusions from the privilege of voting, otherwise than on account of rebellion or other crime, which may be stated in nine general classes, as follows: —

1. On account of race or color,	16	States.
2. On account of residence on lands ceded by the State to the United States	2	"
On account of residence in State less than required time (6 different specifications)	33	"
On account of residence in county, city, town, district, etc. (18 different specifications)	25	"
3. Wanting property qualifications, or nonpayment of taxes (8 specifications)	8	"
4. Wanting literary qualifications (2 specifications)	2	"
5. On account of character or behavior (2 specifications)	2	"
6. On account of services in army or navy	1	"
7. On account of pauperism, idiocy, or insanity (7 specifications)	21	"
8. On account of certain oaths required as preliminary to voting (2 specifications)	4	"
9. Other causes of exclusion (2 specifications)	2	"

After much reflection the committee could devise no better way than to add to the family schedule a column for recording those who are voters, and another with this heading, copied substantially from the amendment: "Citizens of the United States, being twenty-one years of age, whose right to vote is denied or abridged on other grounds than rebellion or crime." It may be objected that this will allow the citizen to be a judge of the law as well as the fact, and that it will be difficult to get true and accurate answers; I can only say this is the best method that has been suggested.

Dr. Jarvis presented to the committee an able argument in favor of taking the actual as well as the legal population of the country. While I acknowledge the scientific value of such an enumeration, yet it is evident that, to take it with sufficient accuracy, the enumeration must be made in so short a time as to endanger the fulness and accuracy of answers in the other schedules, and the two results thus obtained would greatly complicate and increase the difficulty of determining the representative population.

III. *The Agricultural Schedule.*

The committee gave to this schedule a very careful and protracted consideration. The schedule recommended by the Commissioner of Agriculture contained two hundred and forty-six

columns of inquiries. After repeated revisions and considerations of the material presented, the committee settled upon a schedule which contained seventy-three columns, to which a few others have been added by the House, and which is, I venture to claim, a great improvement on the schedule of the old law, which contained forty-eight inquiries. The additions made in this bill may be classified as follows: —

1. An inquiry to show by what tenure the occupier holds his farm, whether as owner or tenant.

2. An extension of the present classification of lands as improved or unimproved, so as to exhibit separately the acres cultivated and not cultivated, and the acres of woodland and of uncultivated pasture.

3. An inquiry into the value of farm buildings other than dwelling-houses.

4. An inquiry into the total value of all labor expended on the farm during the year.

5. An inquiry into the average number of cows milked during the year.

6. A separate exhibit of the cheese made on the farm and that made at factories.

7. Instead of the present exhibit of the aggregate value of all slaughtered animals, a separate statement of the value of slaughtered cattle, hogs, and sheep.

8. A statement of the value of all the poultry on the farm, and the value of its product during the year.

9. In addition to the statistics of wine produced, a statement of the value of grapes sold which were not made into wine.

10. A statement, as regards all the principal crops, of the acreage as well as the amount of product.

The importance of this last element cannot be overestimated. Without it, we cannot learn the yield of the several products in different localities, and the increase or decrease of that yield at different periods. It is well known, for example, that the centre of the wheat product has been rapidly moving West, but its track and rapidity of movement cannot be traced without knowing both the acres sown and the bushels produced.

The bill omits from the schedule water-rotted hemp. Hemp is not thus treated in this country, as in 1850 it was supposed it would be. It omits also the silk culture, which has not fulfilled the promise of the days of *Morus multicaulis*.

It is believed that the schedule, amended as above suggested, will enable us to ascertain the elements of those wonderful

forces which have made our country the granary of the civilized world; will exhibit also the defects in our agricultural methods, and stimulate our farmers to adopt those means which have doubled the agricultural products of England since the days of the Stuarts, and have more than doubled the comforts of her people. The extent of that great progress can be seen in such facts as these: that "in the reign of Henry VII. fresh meat was never eaten even by the gentlemen attendant on a great Earl, except during the short interval between midsummer and Michaelmas,"[1] because no adequate means were known of fattening cattle in the winter, or even of preventing the death of one fifth of their whole number each year; that Catharine, queen of Charles II., sent to Flanders for her salad, which the wretched gardening of England did not sufficiently provide.

Russia alone of European states makes any considerable surplus contribution to the food of the world. The United States must continue to be the main source of supply. The fact stated by Mr. S. B. Ruggles, delegate of the United States to the International Statistical Congress which met at the Hague in September last, is of startling importance, — that in 1868 the whole of Europe, with a population of 296,123,293 souls, produced cereals to the amount of 4,784,516,604 imperial bushels, or sixteen bushels to each person; while the United States during the same year, with a population of 39,000,000, produced 1,405,449,000 bushels, or thirty-six bushels to each person.

IV. *Statistics of Industry.*

This schedule, the fifth of the series in the old law, has performed exceedingly valuable service to the country and to statistical science. It is said to be the first of its kind ever successfully used in any national census; but it can be improved in several particulars.

1. There are two serious defects in the heading of the first column, which reads as follows: "Name of corporation, company, or individual producing articles to the annual value of $500."

The first defect is in the word "articles," which has been construed to mean merchantable articles, or such products of manufacture as can be done up in packages and sold over the

[1] Macaulay's History of England, Vol. I. p. 236.

counter as merchandise. A large proportion of all the products of industry cannot thus be handled. The carpenter, mason, plasterer, plumber, painter, builders of ships, cars, bridges, etc., all perform most valuable labor, and their products are houses, buildings, and structures of all kinds, — a most important part of the fixed capital of the nation; but these cannot be called "articles" in the restricted sense in which the word is employed in the schedule. A plumber in Washington has lately finished a single job amounting to $20,000, but he has produced no "article" which would be entered in the schedule. A job of general repairs, however extensive, would not be entered. This defect has been remedied by requiring, in addition to the value of articles produced, an exhibit of the value of jobbing and repairing done within the year.

The second defect in this heading is the limitation of $500. He must be a very small manufacturer whose annual product, including materials, is not more than $500. A shoemaker who should make but two pairs of boots per week would show a product of more than that amount. And yet it is manifest from the returns themselves that the products of the great majority of artisans were not enumerated in 1860. For example, the eighth census showed that there were in the United States 140,433 manufacturing establishments, but the products of the industry of only 7,115 were reported. The population schedule exhibited in its inquiries concerning occupation the number of persons belonging to each trade, while but a small per cent of the product of their industry was reported in the industrial schedule. The following table exhibits the great deficiency in this respect: —

Number reported in the Population Schedule as belonging to the following Trades.

Coopers	43,624
Blacksmiths	112,357
Carpenters	242,958
Painters	51,695

Number of the same Trades the Product of whose Industry was reported in the Industrial Schedule.

Coopers	13,750
Blacksmiths	15,720
Carpenters	9,006
Painters	913

	Per cent reported.
Coopers	31.5
Blacksmiths	14
Carpenters	3.7
Painters	1.8

We propose to remedy this defect by making establishments the unit of enumeration. Wherever there is a manufactory or shop in operation, its occupants are required to give the facts called for in the schedule. This will include the product of all manufacturers and artisans except those at work as journeymen, and in almost every instance the latter and their work will be included under the inquiry concerning laborers employed in the establishment. It is believed that these changes will greatly increase the completeness and value of the results obtained.

In noticing the defects of the heading of this column, I am strongly reminded of the statement of Moreau de Jonnès, that two monosyllables in the instructions to the French census-takers, added by a subordinate in the statistical bureau, destroyed the whole value of the French census of 1836.

2. The inquiry in reference to motive power has been so modified as to give the specific kinds, as steam, water, etc., and the total power reckoned in horse-power. It is a matter of growing importance to know how the labor of society is being distributed; to ascertain what part is performed by the muscle of man, and what by the use of machinery. To secure this more fully, a statement of the kind and number of machines, such as looms, spinning-jennies, etc., has also been added.

3. In reference to labor and wages, the committee thought it would be useful to state separately the number of persons laboring in an industrial establishment who are owners or partners, and the number of those who work for wages.

4. An important class of products, belonging to what the Italian government has appropriately called "extractive industry," has hitherto been wholly neglected in our census, and should be provided for. I refer to the products of our mines and fisheries, and to petroleum. No further proof of the propriety of this addition is needed than the fact that last year our coal mines must have yielded 30,000,000 tons, our iron mines 4,000,000 tons, while from our oil wells was exported over 100,000,000 gallons of petroleum, in addition to vast consumption at home.

The Schedule of Industrial Statistics, with the amendments proposed, can be used for petroleum and the products of mines, and a special schedule has been added for fisheries.

V. *Statistics of Internal Commerce.*

In the preliminary law of March 3, 1849, the Census Board was directed to prepare a schedule of trade and commerce, but no such schedule appeared in the law of 1850. It has been the habit to treat the exchangers of wealth — the middlemen who transport and buy and sell — as belonging to the unproductive class. But an enlightened political economy will recognize all as producers of wealth who give value to commodities by bringing them within easy reach of the consumer, and aid in facilitating exchanges. According to the census of 1860, there were in the United States 13,340,000 men and women above nineteen years of age; and there were 227,177 persons set down in the list of occupations as persons engaged in trade, or one in fifty-eight of the adult population of the country. There can be no adequate defence for omitting this large and intelligent class of the community from the records of national industry.

1. A simple and comprehensive schedule for all persons engaged in trade was laid before the Census Committee by General Francis A. Walker, of the Treasury Department, and has been made a part of this bill. It follows the general plan of the Industrial Schedule in regard to labor and wages, and requires, in addition, a statement of the amount of capital invested in trade, and the gross annual amount of purchases and sales.

2. Without adding to the duties of the enumerators, the bill requires the Superintendent of the Census at Washington to procure full statistics of railroad, lake, river, and canal transportation, exhibiting, among other facts, the number of persons employed, the amount of freight and cost of transportation. Such inquiries in regard to railroads are now made in Ohio by authority of the legislature, and the results are exceedingly valuable. The bill also requires full statistics of express and telegraph companies, and of life, fire, and marine insurance companies.

Now that the great question of human slavery is removed from the arena of American politics, I am persuaded that the next great question to be confronted will be that of corpora-

tions, and their relation to the interests of the people and to the national life. The fear is now entertained by many of our best men that the national and State legislatures of the Union, in creating these vast corporations, have evoked a spirit which may defy their control and escape, and which may wield a power greater than that of legislatures themselves. The rapidity with which railroad corporations have been consolidated and placed within the grasp of a few men during the past year is not the least alarming manifestation of this power. Without here discussing the right of Congress to legislate on all the matters suggested in this direction, the committee have provided in this bill for arming the Census Office with authority to demand from these corporations a statement of the elements of their power and an exhibit of their transactions.

3. We have also provided for full statistics in regard to the business of fire and marine insurance. It is reported in the columns of a journal published by the insurance institutions, that there is at the present moment in this country $3,092,000,000 of insurance against fire and marine losses. Since the census of 1860 was taken, the life insurance business of the country has grown up from almost nothing to enormous proportions. For instance, there were in 1860 but seventeen life insurance companies in the United States, and fifty-six thousand and some odd policies in force. In 1868, the statistics of that year being the latest I have, there were fifty-five life insurance companies, with 537,594 policies in force, amounting to the enormous sum of $1,528,000,000. Now, whether these companies are sound or not, whether the people may rely upon the safe investment of the money which they have put into their hands, will altogether depend upon the way in which they are conducting their business; and we propose by this bill to bring out the facts so that the country may see what are the operations of these great corporations.

VI. *Social Statistics.*

Under this head there were forty-eight inquiries in the old law, several of which in practice proved almost worthless. Those concerning taxation and the aggregate value of real and of personal estate, the character of the seasons and the crops, and the rate of wages for the different kinds of labor, failed to produce results which were considered worthy of publication in the final

report. In the pending bill, some of these inquiries are omitted altogether, and the others are placed in other schedules, where they are more likely to be answered. Besides these modifications, several additions have been made to this branch of the census.

1. A more extended schedule for educational institutions has been provided, which will call for, not only the number of teachers and pupils in our common schools and other institutions of learning, but also the total amount of money which the nation has permanently invested in education, together with the annual amount paid for its support.

2. The inquiries concerning churches and religious worship have also been somewhat extended, so as to obtain a report of the amounts of money permanently and annually invested in religious enterprises, and also the number of children in Sunday schools under the supervision of churches. In the inquiries concerning libraries a column has been added, which will exhibit the annual cost of the maintenance and increase of those institutions, and another showing the date of their establishment, from which may be learned the increase of the aggregate number.

3. In the statistics of newspapers and other periodicals, the committee propose an important modification, which requires the Superintendent of the Census to obtain a copy of each newspaper and periodical in the United States, together with a statement of its circulation. From the papers themselves can be gathered all the important facts which it is desirable to know concerning this kind of industry, and the copies thus obtained are to be classified and bound up for preservation in the archives of the government. What would we not give for a similar collection for each decade since the foundation of the government? What more striking exhibit of the country's progress in this respect could be made?

I am painfully conscious of the imperfections of this measure, and I am quite sure that no gentleman, who has not given special attention to the matter, is likely to appreciate the difficulty of framing a complete and satisfactory bill on the subject. I may be permitted to say that the sub-committee gave to the subject many weeks of careful study; and in presenting this bill as the result of their labors, although aware of its imperfections, they confidently believe it is a great improvement on

the present law, and trust that it will be made the basis of still greater improvement in coming decades.

It must be borne in mind that, if our national statistics are to be taken with completeness, we must lay more stress on the Census than do the states of Europe. They have bureaus of statistics permanently established and under the direction of experienced statisticians; with us such a bureau is still a desideratum. The great advantages attending such an establishment are thus forcibly stated by Dr. E. M. Snow, the eminent statistician of Rhode Island, in a letter addressed to the Census Committee: —

"I sincerely hope that, in the statute organizing the census of 1870, provision will be made for the establishment of a permanent census bureau; or, better still, (notwithstanding one failure,) a permanent statistical bureau. The reasons for this are perfectly conclusive to all who are acquainted with the collection and compilation of statistics. The greatest defects in all our censuses have been owing to the want of knowledge and of experience in those employed upon them. We are almost destitute of men in this country, except in three or four States, who are familiar with the practical duties required in taking a census. The whole country needs educating on this subject. A permanent bureau, with an efficient head, would soon organize a corps of men in each State, who would be familiar with the information to be obtained, and with the best methods of obtaining it.

"On the score of economy, also, a permanent bureau would be the cheapest. With a corps of clerks educated in the best methods of doing their duties, and with trained men to obtain the information, and by making use of local officers and other sources of information in different States, I am perfectly confident that a permanent census bureau could obtain all the information now obtained by a decennial census, except that relating to population, and could obtain it *every year*, with no greater expense than is now required to obtain it once in ten years. The efficiency and economy, in statistical matters, of men familiar with their duties, are greater beyond comparison than of men who are ignorant of these duties.

"A permanent national bureau of statistics is also very much needed to systematize the whole subject, to give information to all portions of the country, and to take the lead in the organization of similar bureaus in the several States. When such bureaus become general in all the States, the national government will be able, with their assistance, to obtain all the statistics now obtained by the national census, and much more, far more frequently, far more correctly, and with much less expense." [1]

[1] Letter to the Select Committee on Census of 1870, dated February 16, 1869.

We have already a Commissioner of Mining Statistics, some provisions in the Treasury Department for financial statistics, a Bureau of Education whose chief function is to collect educational statistics, and some attention is given to statistics in the Department of Agriculture. It is greatly to be regretted that these statistical forces have not been consolidated, the scope of their work enlarged, and the whole thoroughly organized; all of which could be done at an expense not greatly increased. But at this late day it is manifestly impossible to organize and equip a permanent statistical bureau in time to take the next census; and hence, regret it as we may, we must again depend wholly on the Census Office.

The American census should furnish a muster-roll of the American people, showing, as far as it is possible for figures to show, their vital, physical, intellectual, and moral power; it should provide us with an inventory of the nation's wealth, and show us how it is invested; it should exhibit the relation of population to wealth, by showing the distribution of the one and the vocations and industries of the other. The Ninth Census of the United States will be far more interesting and important than any of its eight predecessors. Since 1850, in spite of its losses, the republic has doubtless greatly increased in population and in wealth. It has taken a new position among the nations. It has passed through one of the most bloody and exhaustive wars of history. The time for reviewing its condition is most opportune. Questions of the profoundest interest demand answers. Has the loss of nearly half a million young and middle-aged men, who fell on the field of battle or died in hospitals or prisons, diminished the ratio of increase of population? Have the relative numbers of the sexes been sensibly changed? Has the relative number of orphans and widows perceptibly increased? Has the war affected the distribution of wealth, or changed the character of our industries? And, if so, in what manner and to what extent? What have been the effects of the struggle on the educational, benevolent, and religious institutions of the country? These questions, and many more of the most absorbing interest, the census of 1870 should answer. If it do not, the failure will reflect deep disgrace on the American name.

THE CANVASS IN OHIO.

SPEECH DELIVERED AT MOUNT VERNON, OHIO,

AUGUST 14, 1869.

MR. CHAIRMAN AND FELLOW-CITIZENS, — I am glad that the campaign begins, so far as you and I are concerned, on so pleasant an occasion, and under such favorable circumstances; that you are comfortably seated, and ready to consider calmly and without passion the issues of the campaign now opening; and I trust that we shall deliberate to-night not so much in the spirit of partisans as of men who are inquiring what are the wants and interests of our country. Of course it cannot be left out of sight that there are in Ohio two great political parties that have put forth their doctrines, and entered the field to contest before you the merits of the various points on which they differ. To discuss these differences, and their relations to the situation of the country, is my purpose to-night.

In the outset, fellow-citizens, I call your attention to the very peculiar political situation in which the Democratic party is now placed; I desire to say that I wish that that party might be just as good, true, pure, and worthy a party as possible. I do not rejoice when the Democratic party acts badly, and is found unworthy. I wish they might be so true and so worthy that it would make but little difference to the country which of the two parties should come into power. I wish that party was so patriotic in all its doctrines and aspirations that it might exert a beneficial and salutary influence on the policy and conduct of the Republican party, so that if we went astray, or took up any false doctrines, or in any way became untrue to the people, the Democratic party might chastise us by taking our place and serving the State more worthily than we had done. I am therefore grieved to see the Democrats in this cam-

paign taking positions so revolutionary that, in my opinion, it would be a vast calamity to the country should they get into power. Believing this, I desire to call your attention to their attitude at the present time.

In the first place, fellow-citizens, the Democratic party attempted in this campaign to take what they called "a new departure." Their old leaders had been meeting with a series of terrible and crushing defeats, and the thoughtful men of the party saw that a change in the line of march was their only hope. From 1860 onward, every step the Democracy has taken has led to defeat. Last summer I know that the wisest men in that party felt, and did not hesitate to say, that it was absolutely impossible for them to succeed unless they changed their line of march. An attempt was made in the New York Convention last year to move in a new direction, and try the chances of success by the nomination of Salmon P. Chase; in which purpose they came very near succeeding. The purpose at that time was to wash from the Democratic party the stains which the Rebellion left upon it. In view of their known sympathy with the Rebellion, their known hostility to our party in putting down the Rebellion, their stout resistance to every measure to overthrow slavery and build up freedom in the country, the most thoughtful and philosophic men in the party said, "We must wash away these stains; we must forsake the old party, must strike out a new course, and let the dead past bury its dead." And they came very near to taking up this new line of march in their attempt to nominate Chief Justice Chase; but they failed to make that nomination, and of course they failed in the election, as they had been doing for eight years.

This year the Democracy of Ohio, smarting under accumulated defeats suffered at our hands during the last decade, resolved that they would indeed take "a new departure." When they met in Columbus on the 7th of July last, notwithstanding their old leaders were there, notwithstanding a large part of the Convention favored the nomination of Mr. Pendleton for Governor, and another large part favored the nomination of Judge Ranney or some other well-known leader of the old school, yet so deeply was the party penetrated with the conviction that on the old line and with the old leaders nothing but defeat awaited them, that a majority of the Convention broke the slate, turned their backs upon their old leaders, and, in the

hope of washing away the stains of the past, nominated a distinguished Union General of the late war, whom they believed to be personally disaffected toward the President of the United States and toward the Republican party. This was a great revolution in the Democratic party; it was not only a revolution, but it was an acknowledgment that *defeat* lay in the old direction, and that their only hope was in a new line of march under a new leader. This leader was General W. S. Rosecrans.

For General Rosecrans personally I have none but words of kindness. I love to speak of him as a friend, — as a man who has done much for his country during its great struggle, — as a man who, by his personal valor and by his clear conception of the nature of the Rebellion, achieved a reputation and made a record which will always form an important part of American history. And I desire to say that I could not believe that he would accept the nomination. However great his personal disagreements might have been, however much he may have been alienated from any men or set of men in the Republican party, he could not, with the least regard to his own history, have accepted the nomination.

There were men in our army who fought gallantly, simply because they believed it to be their duty to obey orders. Though these orders may have been distasteful to them, though the object for which the war was waged may have been obnoxious to them, yet when their superior officers commanded, they obeyed as a matter of soldierly honor. General Rosecrans was not a man of that sort. His opinions were all convictions. He was intensely right or intensely wrong, but never indifferent. I knew but few men who from the very beginning of the war saw more clearly into the heart of the Rebellion, and hated it with more intensity, than General Rosecrans. He looked upon the Rebellion as a crime which sapped the very foundations of the Union, and upon the leaders of the Rebellion as personal criminals in the eyes of God and man.

Not only were these the views he held concerning the Rebels themselves, but he held stronger and more decided convictions, if possible, concerning all men here in the North who in any degree sympathized with them. I trust that during those days I sufficiently felt and expressed my hostility to those men who not only refused to help put down the Rebellion, but did all in their power to stop the progress of those who were putting it

down; but all my utterances were tame and gentle compared with his. Read his scorching letter addressed to the General Assembly of Ohio in 1863, in which he denounces in the most unmeasured terms those men who talked about "peace on any terms." And nobody had any doubt about whom he referred to. The Cincinnati Enquirer quoted his language at the time, and said, "We accept this as referring to us; we so understand it, and shall treat the writer accordingly."

On the subject of slavery, what general during the whole war was more decided in his convictions than General Rosecrans? No sooner had the Proclamation of Emancipation been issued, than he at once used all his authority to carry it into execution. It was looked upon as a *brutum fulmen*. The people of the South said, "We have our slaves; let Mr. Lincoln proclaim as much as he pleases, we will keep them." Not three days had elapsed after the proclamation was issued before General Rosecrans was giving certificates of freedom to all slaves within his department, and enforcing their right to freedom. And no one of his officers will forget, when a Kentucky major offered his resignation "because the President of the United States had meddled with slave property," how fiercely that officer was rebuked, and how severely he was punished, by being dishonorably dismissed from the service.

Who will forget the promptness with which he sent beyond his lines that Democratic leader, Vallandigham, who had been tried and convicted as an enemy of his country? Nor will the officers at the head-quarters of the Army of the Cumberland forget that on the 14th of October, 1863, when a citizen of Ohio was leaving for home, General Rosecrans said, "Tell them that this army would have given a stronger vote for Brough, had not Vallandigham's friends over yonder killed two or three thousand Ohio voters the other day at Chickamauga."

The only fact in General Rosecrans's career that could have endeared him to the Democracy was his personal hostility to General Grant, and his unfortunate negotiations with the Rebel generals at White Sulphur Springs last year. But in view of his record and his war doctrines, the Democratic party could not in any other way more absolutely have abandoned their old paths, so far as leadership was concerned, than by his nomination. In doing that they grasped at their only hope of success, feeble as it was. Fortunately for his fame, he declined the nomi-

nation, and the Democracy, thus thrown into utter confusion, turned back to their old defeated leaders, and resumed the beaten track that has for nine years led them to almost uniform defeat. The nomination of General Rosecrans was an enormous confession, the full significance of which can be understood only when we look at the man and his career in contrast with the career of Mr. Pendleton, whom they have now nominated. In Mr. Pendleton they have a man who made it a point of honor to do nothing to help forward the war, — who from the beginning to the end of his Congressional career has left a record wherein is not written one line that indicates his sympathy with the Union cause as against armed rebellion. He is a leader of the old *régime*, — their proper leader in this campaign.

I suppose it is not reasonable to expect such a conversion as Saul of Tarsus experienced on his way to Damascus. We cannot expect such a change all at once in a political party. Though the Democracy tried to take up "a new line of departure," so far as the choice of a candidate was concerned, they did not complete the work by making a platform to suit. They did, however, omit their usual talk about the war. They did not say a word against the draft, not one word about "Lincoln's hirelings," not one word about "the hellish crusade against the South"; they left all that off, to make it possible that a Union General might be their leader. But in all other respects substantially the same old doctrines are retained in their platform. Instead of attacking the war, they content themselves with attacking the results of it. Hitherto we have found them attacking the war, and the men and measures employed in carrying it on; now we find them attacking only the results. I will notice only a few points in their platform.

First, we find them attacking the public debt. Everybody knows they hate the debt. They hated it from the beginning, not so much because it was a debt, as because it means the war; because it means restored liberty; because it means a crushed rebellion; because it means slavery abolished; because it means freemen everywhere; because it means all the suffering, all the heroism, all the honor of the war, expressed in the form of a national obligation. The debt meaning all this, it is the most natural thing in the world that the Democracy should hate it. They hate all who produced it, and the product itself; and so the first resolution is this: "That the exemption from

taxation of twenty-five hundred million of dollars in government bonds and securities is unjust to the people, and ought not to be tolerated, and that we are opposed to any appropriation for the payment of interest on the federal bonds until they are made subject to federal taxation."

Think of that for a moment. I wish the Democratic party would not make it necessary for us to dispute with them on matters of fact. Why do they say twenty-five hundred million of dollars of bonds, when they know perfectly well that, with the bonds of all sorts and the volume of greenback currency added, the whole debt does not reach that sum? Why do they say this, when they know the bonds of the United States are five hundred million dollars less than that sum? They think the mass of the people are not well informed in regard to these things, and that this exaggerated statement will carry more force than the truth. Their platform begins with this reckless misstatement, which they know to be such every month when they read the official statement of the public debt.

They are opposed to paying the interest on the public debt until the bonds are taxed; yet every intelligent man among them knows that the Constitution of the United States makes it impossible for the States to tax these bonds. They know it has been decided, over and over again, from Chief Justice Marshall down to Chief Justice Chase, that it cannot be done. If every State in the Union should pass laws to tax the bonds, not one cent would be collected. They know this, and yet they say they are not willing that the interest shall be paid until that unconstitutional and impossible thing shall be done. This absurd thing our Democratic legislature of last winter attempted, and that, too, with a full knowledge of its absurdity. But some one, perhaps, will say they mean that the general government itself shall tax them. I answer, that the government does tax the income on these bonds, as it taxes incomes on the products of the manufacturer, and other industry.

Look a little further. In their second resolution they declare that they still indorse the old Pendletonian plan of paying off the bonds in greenbacks; and that, if their payment in gold is persisted in, it will lead to repudiation. They know perfectly well that that issue was tried last November throughout the United States, and decided against Mr. Pendleton and in favor of the honest payment of those bonds; and they say that de-

cision is going to bring about repudiation. This resolution is, in my judgment, the forerunner of proposed repudiation, and can mean nothing else.

I desire to call attention, for a moment, to this doctrine of Mr. Pendleton, which has given him such a conspicuous place during the past two years. His proposition was, that the interest which the government was paying on these bonds could be saved by paying off the debt in greenbacks; and to save interest, of course the bonds must be taken up soon. Now, fellow-citizens, every man of intelligence knows that there are just two ways to do that thing. One is, to print enough greenbacks to take up the bonds; the other is, to tax the people sufficiently to collect greenbacks enough to give to the bondholders in lieu of their bonds. If you adopt the second plan, you must tax the people enormously. To take up the bonds in any reasonably short space of time, you must tax the people more heavily than they have ever yet been taxed.

Put the question to any Democrat, or to Mr. Pendleton, "Are you in favor of heavily increasing the taxes in order to carry out this scheme?" If he says, "Yes," hold him to it, and ask your fellow-citizens if they want the taxes thus increased. If he says, "No," then there is but one other way to do it: that is, to print off about fifteen hundred million dollars of greenback notes, and with them take up the bonds and set the notes afloat. Now, you may tell Mr. Pendleton and his friends that he is compelled to adopt one of these plans. So far as their feasibility and safety are concerned, it makes but little difference which is adopted. Either leads to measureless financial calamity. Issue fifteen hundred millions of greenbacks, and you will reduce the value of every paper dollar in the United States to ten cents or less, and it may well be doubted if a greenback dollar would be worth even that amount. Issue such an amount and you derange values everywhere, raise prices everywhere, and throw the whole country into the direst confusion; and yet the statesmanship of Mr. Pendleton compels us to do that, or to crush the business of the country by a great increase of Federal taxes. I shall be obliged to Mr. Pendleton, should the words I speak be seen by him in the Cincinnati papers, if he will tell the country how it is to escape one of these calamities.

I need say no more on that subject. Mr. Pendleton's theory was repudiated by the Democratic party at the New York Con-

vention last year. Instead of him, a man was nominated who only a few days before, at the Cooper Institute, denounced Mr. Pendleton's theories as utterly unworthy the confidence of the people. Upon that denunciation, which was made with great clearness and force, Mr. Seymour was nominated in place of Mr. Pendleton. But the Democracy of Ohio is now attempting to foist upon the people the very candidate whom the Democracy of the whole Union then refused to indorse.

I ask your attention briefly to the fourth resolution of their platform, not intending to discuss it, but to point out a peculiar feature of it: "Resolved, that we denounce the present high protective tariff, enacted in the interests of the New England manufacturers, for its enormous imposition of duties on salt, sugar, tea, coffee, and other necessaries, as oppressive especially upon the people of the West," etc.

For the present, we must raise a large revenue, and the revenue we are raising arises largely from duties on imports. But the Democracy think that it is in the interest of New England to have a protective duty on salt, sugar, coffee, and tea. Did anybody ever before hear of New England producing tea, coffee, sugar, and salt? or that in order to grow tea and coffee, manufacture salt, and grow cane and make sugar, New England must have a high protective duty on these articles, and that thereby the West is suffering by this oppression on the part of New England? Now if anybody will tell me what intelligent financier drafted that resolution, I shall be glad to make his acquaintance, and inquire of him in what part of New England those things are produced. No one of the financiers who managed the tax bills and appropriation bills of the Ohio legislature, last winter, could have been the author. Fellow-citizens, when the necessity for a large revenue is lessened, it will be time enough to discuss the abolition of protective duties. There are many particulars, no doubt, in which changes are needed in our customs laws, — some duties are excessive and unwise; but the meaning of this resolution is past all comprehension.

Let me call your attention to the clause in the fourth resolution with reference to the hours of labor of the workingman, and to that other clause about public lands to actual settlers, — the homestead doctrine. Have the Democracy forgotten that from 1850 to 1860 the Republican party was fighting for the homestead law, and was always voted down by the Democratic

party? Have they forgotten that in 1860 the Republican party passed a homestead bill, which was vetoed by James Buchanan, and which they were not strong enough to pass over his veto? Have they forgotten that it was not until we had a Republican President that such a law was made, and then in spite of the almost solid vote of the Democratic members? Have they forgotten that we created a homestead policy, under which homes are springing up all over the Territories of the West? They cannot have forgotten these things; but now, seven years after the thing is done, the Democratic party of Ohio puts a resolution in their platform, declaring that they are in favor of using the public lands for free homes for the people. Well, I am not sorry to see the Democratic party for once right. The nearer they are right, the better it is for the country, and I congratulate them that they have announced their conversion to this Republican doctrine of the homestead law.

For the laboring man they feel a yearning they have never felt before. The Democratic party is now yearning over the interests of the laboring man. How was it when the laboring men were termed the "mudsills of society,"—when they were called the "filthy operatives," the "greasy mechanics," the "hard-fisted farmers struggling to be genteel"? That was the language of the Democracy only twelve years ago. And now that the Republican party has been taking the workingman by the hand, and doing for him, in spite of the Democratic party, whatever has been done for him by legislation, — now, in 1869, the Democratic party is in favor of the rights of the working man, — just now when they want his vote.

But there is another doctrine here to which I desire to call your attention. I will read the third resolution entire. It is this: "Resolved, that we denounce the national banking system as one of the worst outgrowths of the bonded debt, in that it unnecessarily increases the burden of the people thirty millions of dollars annually, and we demand its immediate repeal."

Fellow-citizens, I do not know of any time or place in the campaign when it is safer to make a dry speech than now and here, when an intelligent audience like this is comfortably seated, and can bear more than when they are wearied by a long campaign. As chairman of the Committee on Banking and Currency in the House of Representatives, it has been

my duty to consider the condition of the national banks, and compare them with the system of banking that preceded them; and I ask your indulgence while I call attention to what it is that the Democratic party propose to have immediately repealed.

The national banking system was established by the Thirty-seventh Congress, in 1863, and has been in operation a little more than five years. On the 24th of May, 1864, there were in the United States and Territories 1,617 national banks in operation, having a capital of $420,000,000, and a circulation of $292,202,598, with $2,615,387 of State bank notes still outstanding. Whether these institutions should be maintained or not depends upon the soundness, safety, uniformity of value of their notes, and the security which the people have against depreciation and failure.

I. Security. The prompt redemption of the notes of the banks is secured as follows: —

1st. By $338,000,000 United States bonds (fifteen per cent more than the whole circulation) deposited by the banks in the vaults of the Treasury at Washington.

2d. By a first and paramount lien on all the assets of the banks.

3d. By the personal liability of all the shareholders to an amount equal to the capital.

4th. By the absolute guaranty of the government to redeem at the national treasury, if the banks fail to do so.

The efficiency and safety of these banks is still further protected by the cash reserve, which they must keep constantly on hand, to the amount of about twenty per cent of their circulation. On the 24th of May last, that reserve actually amounted to $132,000,000.

It will be seen that the notes are secured by nearly four times their amount. Their security is demonstrated by the fact that, in all cases in which national banks have failed, their notes have never fallen in value, but in several instances have sold at a premium.

II. Uniformity. Instead of seven thousand kinds of notes, differing in form, security, and value, as under the old State bank system, we now have ten varieties of notes, uniform in all these respects. No man stops to inquire whether a national bank note was issued in Maine or Arkansas. Like our flag,

it bears the stamp of nationality, and is of equal value in every part of the Union. With such unity and simplicity of system, the people have but a short lesson to learn in order to protect themselves against counterfeits. The uniformity has practically abolished rates of exchange between the States, and most of the vast sum paid under the old system to bankers and brokers for the transmission of funds is now saved to the people.

III. Convertibility. These notes are convertible at the will of the holder into United States Treasury notes, and whenever the government returns to specie payments the banks must keep abreast with the government, and will be powerful auxiliaries in that work. When they redeem their notes in gold, the principle of free banking may be added to the law, and thus remove from them all the characteristics of monopoly, and enable the wants of the country to regulate the volume of the currency.

It ought to be remembered also that the national system is greatly superior to the old in this, that all the affairs of the banks are made public in frequent reports, and by a system of rigid examinations.

There are many points in which the system can and should be amended, and it should be subjected to the severest scrutiny; but I do not hesitate to claim for it a great superiority over any and all systems hitherto adopted in the country.

The only specification made against the system by the Democratic Convention is that it costs the people $30,000,000 annually. What is the pretext for this statement? How is this estimate made? From the fact of the notes being based on $338,000,000 of interest-bearing bonds? These bonds would be in existence and draw interest from the Treasury if the banks did not exist. Is it that the banks have the use of $292,000,000 circulation, without interest? Would the fact be otherwise if the State banks were restored? On any theory, how does the Convention figure up its thirty millions?

Whatever may be the advantage which the banks reap from their privileges, our Democratic friends would have us believe there is no advantage on the side of the people. Let us see. Besides furnishing the nation with a sound, safe, and uniform currency, they do no small share of the work of bearing the burdens of the nation. In the year ending January 1, 1868, these banks paid taxes as follows: —

United States tax,	2.75 per cent	$9,525,000
State tax	2.08 per cent	8,813,000
Total	4.83 per cent	18,338,000

The capital of the national banks of Ohio was $22,500,000, and in that year they paid into the treasury of the United States $514,000, and into the treasury of Ohio $521,000. What other interest in Ohio paid so large a per cent of tax? The stock of these banks is taxable under State laws. Abolish them, as the Democracy recommend, and all their bonds pass into a form which the State cannot tax.

IV. The banks are fiscal agents of the government. They have served the government as fiscal agents in disposing of government stocks, and receiving and transmitting public funds as they were collected by the officers of the internal revenue, thus saving a great expense. In his report for 1866 the Secretary of the Treasury says that up to that time these banks had "collected for and paid into the Treasury amounts aggregating, in receipts and payments, $3,500,000,000, for which, had they been allowed only one tenth of one per cent commissions, they would have received about $3,500,000. These services were rendered to the government free of charge."

I make no other defence of the system than the statement of the facts. If the banks need improvement, amend the law; if they charge usurious interest and oppress the people, punish them; but do not plunge us back into the old chaos from which this law has rescued us.

But some one may say, "We don't believe in banks at all; let us not have any of them." There is no civilized country on the globe that has not banks and paper money. In England, a hard-money country if there be one in the world, no man who travels carries much gold in his pocket. He carries Bank of England notes. In France, with her $200,000,000 of idle gold locked up in the vaults of a single bank, where it has lain for years, bank-notes are the currency of the country, except for change. In all countries the necessity of a paper currency is acknowledged. We never have been without one. Every State has had its paper money, whether Whigs or Democrats were in power. The question, then, is not between the present system of banks and no banks, but between this system and the old system; and when the Democracy propose to blot this out of

existence, I ask them to tell us what they would put in its place. Some will perhaps say, Issue greenbacks, and supply a currency directly from the Treasury. Every government has at some time or other considered the question of issuing paper notes to supply the people with currency, but every country holds the proposition unwise and dangerous. No human legislation is wise enough to adapt such a currency to the wants of trade, nor virtuous enough to withstand the temptation to lighten taxes by increasing the volume of paper money. It does not become the Democracy to advocate such a policy.

That party boasts, and justly so, of having established the Subtreasury system in 1846, which provided that the government money should not be kept in the banks, but in the treasuries of the government, and that State bank paper should no longer be received in payment of public dues. What does this proposition of the Democratic party to abolish the national banks mean? It can mean but one thing, — the restoration of the old system of State banks which prevailed in 1863. Now this is a question that comes home to the business interests of every citizen, and at the risk of being tedious I shall call your attention to the system from which we have been rescued. Let me briefly run over the history of banks in the United States.

No man fails to remember the terrible condition into which our fathers were plunged by the Continental currency. They did not hesitate to declare that all the evils of the war, except the loss of life, put together, were not equal to those that sprung from the Continental money. Issued in vast quantities, it depreciated step by step until one thousand dollars would but buy a dollar in gold, — until a wagon-load would scarcely pay a man's board for a month. To free the country from these evils the Continental Congress, in 1781, resumed specie payments, and, under the lead of Robert Morris, established the Bank of North America, more than half of the stock of which was taken by the government. So slight was the authority of the nation then that for greater safety a charter was procured from the State of Pennsylvania as well as one from the Congress. The bank was well managed, and performed valuable services to the country during the closing years of the war, and until the Constitution was adopted. After it ceased to be a United States bank, it continued its organization as a State bank, and is now in vigorous life under the National Banking Law.

In 1791, under the lead of Alexander Hamilton, Congress established the first United States Bank. Washington signed the bill, in opposition to the opinions of Jefferson and Randolph. The law authorized a central bank to be established in Philadelphia, with branches in other places. Its capital was ten millions of dollars, one quarter coin, and three quarters United States stocks. One fifth of the stock was to be held by the government, and five of the twenty-five directors were appointed by the government. Whatever may have been the opinions of our fathers in regard to the wisdom of the measure, it has become a part of our history that this bank gave the country a paper currency always convertible into coin, and in soundness and uniformity far superior to any it had before possessed. By means of it, Hamilton was enabled to carry out his masterly scheme of funding and reducing the public debt. The charter of this bank expired in 1811, and the bill for its renewal was defeated by the casting vote of the President of the Senate.

Then followed five years of chaos. No man can read the history of the war of 1812–15 without perceiving the fact that not only the currency of the country, but the finances of the government, were to a great extent abandoned to the mercy of banking corporations, which everywhere sprang up, and flooded the country with irredeemable and worthless paper.

In 1816, under the lead of Madison and Dallas, the second Bank of the United States was established, with a larger capital than the first, but based on the same general principles. Though this bank did not drive the State banks out of the field, yet it will not be denied that during its twenty years of existence the people never lost a dollar by the depreciation of its notes, and that it powerfully aided the government in reducing the public debt. As the debt was finally paid off in 1836, there was no longer a pressing necessity for paper money, so far as the government was concerned, and the Democratic party refused to recharter the bank. There were features in its plan which could not be defended; but it was perfection itself compared with the system which preceded and followed.

From 1836 to 1863 the government practically abandoned all efforts to regulate the paper money of the country. Though the Constitution plainly forbids any State to "emit bills of credit, or make anything but gold and silver coin a tender in payment of debts," yet the Democratic party, by its refusal to

furnish a paper currency to the country, permitted the system of State currency to develop and engender evils, the like of which can scarcely be found in the records of civilized nations. From these evils we were rescued by the National Banking Act of 1863; and now the Democracy of Ohio propose to plunge us back into them by the absolute repeal of that act.

Between these two systems, the State and the National, the people are called upon to choose. The Democratic party elect the former, the Republican party the latter. Let us compare their merits by the fruits they have borne; and in making this comparison, let us remember that the qualities of a good paper currency are, —

1st. That it shall be based on ample security.

2d. That it shall be of uniform value throughout the country.

3d. That it shall be convertible into coin at the will of the holder.

Of course, no system of paper money can possess the last-named quality during a general suspension of specie payments. We have seen what the National system is, and I will exhibit the State currency in its best condition, with all the improvements and safeguards which half a century of experience had thrown around it.

On the 1st of January, 1862, there were in the United States 1,496 banks that issued circulating notes. Their aggregate capital was $420,000,000, and their circulation was $184,000,000. They were established under the laws of twenty-nine different States, granted different privileges, subjected to different restrictions, and their circulation was based on a great variety of securities, of different qualities and quantities. In some States the bill-holder was secured by the daily redemption of notes in the principal city; in others, by the pledge of State stocks; and in others, by the coin reserves. But as State stocks differed greatly in value, all the way from the repudiated bonds of Mississippi to the premium bonds of Massachusetts, this could give no uniformity of security, and the amount of coin reserves required in the different States was so various as to make that kind of security almost equally irregular. It required the study of a lifetime to understand the various systems. There were State banks with branches, independent banks, free banks, individual banks, banks organized under a general law, and banks with special charters. They

represented all varieties of condition and credit. They were solvent, suspended, closed, wound up, broken, according as the fluctuations of trade, and the wisdom or folly, the honesty or rascality, of their managers dictated. Their notes had no uniformity of value, and nearly all of them — especially in the West and South — lost heavily in current value when carried beyond the limits of the State. I remember that in Massachusetts, in 1855, I could get but ninety-four cents on the dollar for a note of the State Bank of Ohio, which at home was convertible into gold.

Examine a Bank-Note Reporter for 1862–63, and consider the mass of trash there set down as the paper currency of the country. In November, 1862, the circulation in the loyal States was $167,000,000. The State securities for this amount were only $40,000,000, leaving over $120,000,000 inadequately provided for. In only nine of the States did the law require the circulation to be secured by State bonds. In the State of Illinois, from 1851 to 1863, the failures of banks numbered eighty-nine, and their paper ranged from thirty-eight per cent to one hundred per cent below par. Of the $12,000,000 of bank circulation in Illinois, the people lost two or three millions directly, besides the indirect loss of as many millions more by derangement of business and ruin to private interests. Of ten suspended banks in Minnesota, the notes were reduced to an average of less than thirty cents on the dollar. Of thirty-six broken banks of Wisconsin, only six redeemed their notes at so high a rate as eighty cents on the dollar. Even as early as 1860, a time of great commercial prosperity, the official report of only eighteen States showed 147 banks *broken*, 234 *closed*, and 131 worthless. Such was the condition of 512 banks, the whole number in those States being 1,231.

But there was one class of paper issues which must not be overlooked, — the vast circulation issued by counterfeiters. There were in circulation, in 1862, about seven thousand different kinds of notes, issued by the fifteen hundred banks. From statistics carefully compiled, it was ascertained that there were in existence that year over three thousand varieties of altered notes, seventeen hundred varieties of spurious notes, and over eight hundred varieties of imitations. Thus, it appears, there were more than five thousand five hundred varieties of fraudulent notes in circulation; and the dead weight of all the losses

occasioned by them fell at last upon the great mass of the people who were not expert in such matters. There were, in 1862, but two hundred and fifty-three banks whose notes had not been altered or imitated.

Let it be remembered that for nearly half a century a large part of the revenues of the general government were received in the notes of these State banks, in all stages of discredit and depreciation, and with all the attendant risks of counterfeited and altered bills. It is a fact worthy of remembrance that in 1819 the Secretary of the Treasury was compelled to borrow half a million of dollars to meet a foreign debt of that amount; and at that moment there was $22,000,000 of surplus funds in the national Treasury, out of which he could not cull enough current funds to meet the demand.

With many independent and rival organizations tinkering at the currency, it was impossible that any salutary control could be exercised over either its quality or quantity. Here and there were found good banks and wise management; but, taken as a whole, the system was totally unmanageable. Violent contractions and expansions of the currency were frequent and inevitable. In 1818, the Secretary of the Treasury declared that in three years the currency had been reduced from $110,000,000 to $45,000,000, — a reduction of over fifty-nine per cent. In 1834, there was $95,000,000 in circulation. In 1837, the volume had risen to $149,000,000, and before the end of the year it fell to $116,000,000. In 1841 there was $107,000,000; but at the end of 1842, but $59,000,000. In 1857 it had reached $215,000,000, its highest point of inflation before the war; and on the 1st of January, 1858, it had sunk to $135,000,000, — a decrease of nearly forty per cent in twelve months. Who can be surprised, in view of these facts, that the periods here named were marked by those terrible financial disasters which involved in common ruin the prudent and the reckless, and made industry and wealth the sport of chance? In every such crisis the laboring classes were the greatest sufferers. The capitalists were generally able to foresee the danger and save themselves from the wreck.

What arithmetic will enable us to measure the losses which this system has entailed on the American people? As a partial illustration, I call attention to the report of the Bank Commissioner of Ohio, made in obedience to a resolution of the Senate,

showing the loss sustained by the people of the State during eleven years, ending in 1843, from the failure of Ohio banks. From the depreciated bills of nineteen broken banks the loss was $1,405,895, and from the depreciation of their stocks, $683,264. During the same period the cost of exchange, in consequence of the unequal value of our currency, ranged from one to twelve per cent, and the total amount paid for exchange by the people of Ohio was $10,536,683. The Commissioner concluded his report in these words : "It will be here recollected that we have not taken into the estimate the losses sustained by foreign banks, and the vast amount of shinplasters which flooded the State during the suspension of specie payments. If these sums could be ascertained, we should not hesitate in saying that the losses sustained by the citizens of Ohio during the last eleven years would more than double the capital stock of the twenty-three banks doing business in 1842, which was $7,034,083.45, and go far toward the extinguishment of the State debt."

In obedience to some resolutions of the Senate, adopted the 7th of January, 1841, the Secretary of the Treasury of the United States made a report, showing that from 1789 to 1841 three hundred and ninety-five banks had become insolvent, and that the aggregate loss sustained by the Government and people of the United States was $365,451,497. The report also showed that during the ten years preceding 1841 the total amount paid by the people of the United States to the banks, for the use of them, amounted to the enormous sum of $282,000,000.[1]

Startling as these figures are, they fall far short of exhibiting the magnitude of the losses occasioned by this system. The financial journals of that period agreed in the following estimate of the losses occasioned by the commercial revulsion of 1837: —

On bank circulation and deposits	$54,000,000
Bank capital failed and depreciated	248,000,000
State stock depreciated	100,000,000
Company stock depreciated	80,000,000
Real estate depreciated	300,000,000
Total	$782,000,000

[1] The phrase "for the use of them" seems to have been suggested to Mr. Garfield by the third of the resolutions of January 7, viz.: "What have the people and government of the United States paid, directly and indirectly, to the aggregate banks of the United States for the use of those institutions annually for the last ten years?"

To our Democratic friends who desire to return to the State bank system, I commend the reading of the message of Governor T. W. Bartley to the Legislature of Ohio of December 3, 1844, which states and powerfully exhibits the significance of most of the facts to which I have just referred.

In striking contrast with this system, to which the Democrats would have us return, the Republican party has created and proposes to perfect and perpetuate the national banking system, of which I have already spoken.

It will be noticed in the review I have made, that the Democracy, by refusing to give the people a safe, uniform national currency, have compelled them to resort to the wretched State bank system, and though they have at times declaimed against all banks, yet they have always, when in power, compelled the people to suffer from the worst of all the systems. I commend this subject to the good people of Ohio, with full confidence that they will not permit the policy of the Democracy to prevail.

The charge is made against us Republicans, and it met us everywhere last year, that we are increasing the public debt; that the burdens of the people are great; that the Democrats wished to put us out of power and liberate the people from the great burdens under which they are laboring. But even last year we were doing something toward diminishing the public debt, though the chief obstacle was the Democratic administration then in power at Washington. Our chief drawback was Andrew Johnson and his office-holders. We had in the Indian Department, in the Internal Revenue Department, and in various disbursing departments of the government, an array of corrupt officials, the like of which never before disgraced the annals of the Republic. In our whole history it is scarcely possible to find a record so dark as that of the Whiskey Ring. During the last two years the nation has been disgraced, the people demoralized, the treasury robbed, and the people outraged by men kept in office for partisan purposes. Take one fact as an illustration. Six months before Andrew Johnson went out of office, a man in Cincinnati is declared to have offered $5,000 in order to get a whiskey inspectorship in Cincinnati for the remainder of Johnson's term, when the salary of that office was but $3,000 a year. And it made no difference if charges were brought against this Ring, and they were convicted; the last act of Andrew Johnson as he went out of office

was to pardon a set of thieves and counterfeiters convicted under the laws of the United States. Any change under such circumstances must have been a blessing.

A man of your own city,[1] whose honesty and ability are undoubted, was placed at the head of the revenue department, and another man from our State, of whom we are all proud,[2] was placed at the head of the Interior Department, where he has control of Indian affairs. Hundreds of thieves have been turned out, the collection of the revenue has been honestly made, and the public debt reduced. The Democratic statistician, Delmar, who was employed last year by "three wise men of Gotham" to make an estimate of the national revenues and expenditures, stated that for the last fiscal year the revenue would exhibit a deficit of $154,000,000. He estimated that the expenditures would exceed $475,000,000, and the receipts be less than $322,000,000. Instead of this, the expenditures were $320,000,000, and the receipts over $370,000.000, showing an actual surplus of $50,000,000, of which $35,000,000 accrued during the last quarter, under the new administration. During one of the years of Andrew Johnson, with a tax of two dollars on the gallon of whiskey, only $13,000,000 was collected; now we are receiving revenue at the rate of $50,000,000 per annum from whiskey, and the tax is but fifty cents on the gallon, with special taxes, which make the total tax only about sixty-five cents a gallon.

We can carry the comparison through all branches of the revenue department, and show marked improvements since the new administration came in. During the six months ending the 1st of August, our public debt was reduced more than $43,500,000. For the coming year, if there are no great drawbacks, we may expect a surplus of $100,000,000, without any increase of taxes. This will result from the honest collection of the revenues, and the reduction of expenses in the several departments of the government. The savings in expenditures for the coming year, as compared with those of last year, are estimated at $2,000,000 for the army, $1,000,000 for the Post-Office Department, and $20,000,000 for civil and miscellaneous expenses. In view of these facts, what becomes of the charges and accusations of the Democracy? Will they continue to prophesy evil, while the administration is maintaining and en-

[1] Hon. Columbus Delano. [2] Hon. J. D. Cox.

hancing the public credit, and moving steadily forward toward the payment of the public debt?

In another resolution of their State platform the Democrats charge that we are oppressing some of the people in the South, and that we propose to allow negroes to vote. When the Republican party determined to preserve both liberty and union, they resolved to realize the whole meaning of that first great truth of the Declaration of Independence, "That all men are created equal." We have no right to liberty ourselves unless we share it with all men. And I rejoice that, in looking over the history of the war, we can recognize the hand of Almighty God tracing out for us in blazing lines which could not be misunderstood the declaration that justice to all was the price we must pay for the Union. We fought two years with great disaster and small success; but when the Proclamation of Emancipation was made, that very day the tide of battle turned. I see before me many old soldiers of the Army of the Cumberland. They will remember with what darkness the sun went down on the 31st of December, 1862, on the field of Stone River. They will remember how our army had been driven back, how our thousands lay slain on the field; and they will remember how, when the morning of the 1st of January, 1863, came, and the Emancipation Proclamation flashed over the wires, our eagles were plumed anew, and the defeat at Stone River was turned into a glorious victory. They remember that a year before that date our cavalrymen had watered their horses in the Tennessee, but had been driven back until they saw the spires of Cincinnati. They also remember that, under the Proclamation of Emancipation, the march of the armies of the Cumberland and the Tennessee was always forward, — *forward*, stepping in blood, it is true, but always carrying their eagles to victory, until at last, on the shores of the Atlantic, joining the victorious army of the East, they struck the final blow, and the Rebellion perished.

Now, fellow-citizens, dare we, with so solemn, so impressive a lesson as this, — dare we say that those men who helped us save the republic shall have no share in its liberty, its protection, and its citizenship? As worthy men we dare not. The last act in the great drama will be performed in a few months, when the Fifteenth Amendment is adopted, and fixed forever in the firmament of the Constitution. If, under the influence of the

Democratic party, the State of Ohio shall not be honored by aiding in that great and good work, it will still be done, even without the help of Ohio. That amendment will be set among the great lights in the firmament of our Constitution; and then, fellow-citizens, looking up into our political heavens, we may say in truth, "There is and there shall be no night there."

If I read the signs aright, this campaign is the end, the absolute end, of the old *régime* of Democracy. It tried to take a new departure, but failed. Its only hope of life is to wash its hands, to wash its heart, and be cleansed throughout, so that its flesh shall become as the flesh of a little child, and not the leprous thing we have seen it for the last nine years. Then, fellow-citizens, when the party is thus purified, the citizens of Ohio may invite some son of that regenerated Democracy to the Governorship of the State; then the people might feel that in their hands the interests of the State and the republic would be safe; but until then they will not be trusted.

NOTE. — The views concerning-Major General Rosecrans expressed above were those that Mr. Garfield held from the time that he served under that officer in 1863 to the Presidential campaign of 1880. An interesting series of Garfield-Rosecrans documents will be found in the Appendix to this volume.

CIVIL SERVICE REFORM.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES ON VARIOUS OCCASIONS.

On the 14th of March, 1870, the House of Representatives being in Committee of the Whole on the state of the Union, and having under consideration a bill making appropriations to supply deficiencies in the appropriations for the service of the government for the fiscal year ending June 30, 1870, and for other purposes, Mr. Garfield made a brief speech which he entitled "Public Expenditures and the Civil Service." In the first part of the speech he replied to attacks made in the debate upon the Republican party on the score of prodigal and corrupt expenditure, and then addressed himself to the improvement of the civil service as a measure of administrative reform.

MR. CHAIRMAN,—I desire to call the attention of the chairman of the Committee on Appropriations[1] to a measure of economy and reform to which he may, with great propriety, direct his efforts, and in which, I have no doubt, he will have the hearty co-operation of the President and the executive departments, and the gratitude of all good men. I refer to our civil service. I shall not now enter that broad field which my distinguished friend from Rhode Island[2] has occupied, but I call attention to the fact that our whole civil service is costing us far too much. Secretary McCulloch once made this remarkable statement: "If you will give me one half what it costs to run the Treasury Department of the United States, I will do all its work better than it is now done, and make a great fortune out of what I can save." The same might be said of all our executive departments. And if there is one thing to which my distinguished friend from Massachusetts can devote his attention with most marked results, with the applause of this House, and of the whole country, it is the reorganization of these departments.

[1] Mr. Dawes. [2] Mr. Jenckes.

In the annual report of the Secretary of the Interior there is a passage which should be commended to every member of this House. That officer says that he can do the work of his department with two thirds of the force which he now has under his control, if you will only give him a reasonable and wise organization. I quote his words: —

"The first measure of reform is to raise the standard of qualification, make merit, as tested by the duty performed, the sole ground of promotion, and secure to the faithful incumbent the same permanence of employment that is given to officers of the army and navy. Under the present system, the general conviction among the clerks and employees is that the retention of their places depends much more upon the political influence they can command than upon energy or zeal in the performance of duty. After a careful examination of the subject, I am fully persuaded that the measure I have suggested would have enabled this department to do the work of the past fiscal year with a corps of clerks one third less in number than were found necessary." [1]

I believe I am right in saying that one half of all that great army of clerks employed in the civil departments are engaged in the mere business of copying; not in the use of judgment or expert knowledge of business, nor the application of the law to the adjustment of accounts, but to the mere manual labor of copying, filing, or counting. Now, to do just such work as this, men can be hired all over the country for six or eight hundred dollars a year. Every business man knows that he can get a good, efficient copying clerk at that rate. But, without any rational organization, we are paying that whole class of employees at least double what they can get elsewhere. The whole business of civil appointments depends upon that vague, uncertain, intangible thing called political influence.

Take the messenger service in these various departments. I saw a man in one of the departments this morning whose whole business is to sit at a door and open it when people come in and shut it when they go out, and occasionally to run into an office a few feet distant. Under our laws these messengers get eight hundred dollars a year, and if they were to go to any business man in this city they could not get half the money from him for the same kind of service.

We employ common laborers in our executive departments, to do work for which we pay them twice, or more than twice,

[1] Report of the Secretary of the Interior, Nov. 15, 1869.

as much as they can get anywhere else in the country where they are paid the current rate of wages. In doing so we demoralize the whole system of labor. We pick one man out of a thousand and give him triple wages, thus making all the rest discontented office-seekers. Now, who is at fault in this? Not the President of the United States, not the Secretary of the Treasury, not the head of any department of this administration, — not any or all of these, exclusively or mainly. The fault lies here, fellow-citizens of the House of Representatives, — here, with us and our legislation. We make the laws; we fix the rate of wages; we render workingmen discontented with ordinary gains, by picking out and promoting in an unreasonable and exceptional way the few men we hire, and they hold their places at our mercy and at our caprice. They are liable at any moment to be pushed aside for another favorite. Their service is miserable because of its uncertainty. It tends to take away their independence and manliness, and make them the mere creatures of those in power.

We do all this ourselves; we go, man by man, to the heads of these several departments, and say, "Here is a friend of mine; give him a place." We press such appointments upon the departments; we crowd the doors; we fill the corridors; Senators and Representatives throng the offices and bureaus until the public business is obstructed, the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way and appoint men, not because they are fit for the positions, but because we ask it.

There, Mr. Chairman, in my own judgment, is the true field for retrenchment and reform. I believe that we can, at almost half the present cost, manage all these departments better than they are now managed, if we adopt a judicious system of civil service. There are scores of auditing and accounting officers, heads of bureaus and divisions, there are clerks charged with *quasi* judicial functions, through whose hands pass millions in a day, and upon whose integrity and ability the revenues of the nation largely depend, who are receiving far less than the railroad, telegraph, insurance, manufacturing, and other companies pay for services far less responsible. Such officers we do not pay the market value of their services. When we find that the duties of any office demand ability, cultivation, and experience, let a liberal salary

be given in order to procure the services of the best man; and for the mere manual duties of these civil departments, let us get men for the market price.

Now, sir, what do we see? The Republican party is not moving forward to make this needed change. The Democratic party is not moving forward to make it. We are enjoying these privileges, so called, and our political opponents are waiting and watching and hoping for the time to come when they can do the same, — when we shall be out of power, and they shall come in, to do the same miserable work of ousting and appointing which we are called upon to do year after year. Now, in the name of justice, in the name of economy, let us take hold of this matter, and sustain the Secretary of the Interior in the kind of work which he is doing, and help all the other departments to follow his example.

Some one may say, "That is very fine talk; show us the practice." I will tell you about the practice. The Patent-Office of the Interior Department has during a whole year been conducted in part on the plan I am here advocating. No man, so far as I know, has been appointed to service in that bureau except on a strict competitive examination. The result is that we see in the management of the Patent-Office marked efficiency and economy. But what can a department do, what can a bureau do, with the whole weight of Congressional influence pressing for the appointment of men because they are our friends? In this direction is the true line of statesmanship, the true path of economy. I will follow cheerfully in the steps of my distinguished friend whenever he leads toward genuine economy. Let us take this great subject in hand, and it can be settled in a very few weeks.

MARCH 24, 1870. The House having under consideration the sale of cadetships, Mr. Garfield made some remarks on competitive examinations. After touching upon the charges in circulation to the effect that cadetships were sold, he continued: —

MR. SPEAKER, — This House will not have done its duty if it do not immediately, or as soon as practicable, reform this whole business of appointing cadets to our academies. We ought to have, in addition to what was done this morning, an arrangement — and I think it is perfectly feasible to make such

an arrangement — that all appointments shall be made as the result of district competitive examinations, at which all boys resident in the district, of proper age, shall have an opportunity to compete for a cadetship.

Now, if the House will indulge me for a minute longer, I will give my own experience in this matter. My predecessor in this House [1] instituted, — and I refer to it the more freely because I did not originate it, — my predecessor, I say, introduced the principle of competitive examination in the district which I represent. I have followed it during the time I have been Representative, and I desire to give the House in a word the result of that experience.

In the first year that I came to this House, it happened that there were two cadets to be appointed, one at the Military Academy and one at the Naval Academy. Five gentlemen, representing each of the counties in the district which I represent, consented to act as examiners, and meet at a central place in the district. Printed notices were posted up in every post-office, and publication was made in every newspaper in the district, that, on a given day, all boys within the prescribed ages who desired to go to either of the academies might present themselves for examination. The result was, that there were thirty-seven boys examined, and the best two were selected. Those two boys achieved each the highest distinction in the Military and Naval Academies when they graduated last fall, and no one of the cadets who have been appointed from my district since I have been a member of the House has fallen below the first third in his class, and much less has one been rejected. I know of several districts where a similar custom has prevailed, with similar good results in every case so far as I know.

It is said that not thirty-four per cent of the boys who go to West Point ever graduate. They fail for various reasons, but many of them because they are picked up as mere representatives of political favoritism. Now, I believe we shall not have done our duty unless we go to the bottom of this matter, and place all the appointments to these Academies on similar ground.[2]

[1] Mr. John Hutchins.

[2] On March 28, 1864, Mr. Garfield, by unanimous consent, introduced the following Resolution: — "*Resolved*, That the Secretary of War be directed to furnish this House with any reports, or other information in his possession, in relation to a plan for competitive examinations for admittance of cadets to the Military Academy at West Point."

AT the second session of the Forty-second Congress, the Legislative, Executive, and Judicial Appropriation Bill came back to the House from the Senate with this amendment: "To enable the President of the United States to perfect and put in force such rules respecting the Civil Service as may from time to time be adopted by him, $50,000." The House Committee on Appropriations recommended non-concurrence in the amendment. On the 10th of April, 1872, Mr. Garfield said: —

MR. SPEAKER, — I cannot allow this amendment to be acted on without expressing my own opinions on the subject to which it relates. I may say that on this amendment the committee were equally divided as to concurrence or non-concurrence, and I was in doubt how we ought to report. Perhaps, therefore, it is best simply to state the fact as I have done, to call that the report of our action, and to appeal to the House for the settlement of the question. For my own part, I desire the Committee of the Whole to concur in this amendment of the Senate, and my first reason will be found in a simple narrative of the facts in the case.

By an act of Congress not now a year old, the President was empowered and directed to do whatever he could to secure some measure of reform in the civil service of the United States. In obedience to that law he appointed a commission of gentlemen of high character, and directed them to examine the whole subject. That commission have gone over the ground, have examined the condition of the civil service, and have made an elaborate report, in which they point out what they regard the evils, the great evils, the alarming evils, of our civil service; and they suggest to the President a series of measures which they believe will aid in remedying these evils. In accordance with their recommendation, the President has ordered a body of rules to be prepared to regulate the civil service, which rules, when approved by him, he proposes to put in force. That body of rules is now in preparation for the President's use. What they will be, we do not know; but before they are put in execution they must receive the President's own sanction. To carry out this purpose, and to pay the necessary expenditures under the law, the President asks, and the Senate has granted in this bill, an appropriation of $50,000.

The simple history of the case, it seems to me, makes it decent and becoming, makes it reasonable and necessary, that the House should accord with the Senate in granting an appropria-

tion for this purpose. It is due to the President, it is due to ourselves and the law we have enacted, that a fair trial of the attempt at reform should be made. On this ground, which of itself I deem a sufficient one, I ask the House to concur in this amendment.

Now I know, sir, that it is becoming very fashionable upon this floor to sneer at civil service reform. I agree with what many gentlemen say here in criticising some of the many modes proposed for carrying out that reform; I agree that some of the modes suggested are Utopian, and possibly worthless; I agree that many of the plans for reform would amount to little or nothing; but I affirm, as the result of much reflection, that the evil complained of is so deep, so wide, so high, that some brave Congress must meet it, must grapple with it, must overcome it, if we propose to continue a worthy and noble nation. Of this I have no more doubt than I have that the sun is circling in the heavens above us to-day.

Now, Mr. Chairman, without referring to any special theory of civil service, I ask whether this committee is prepared to say now to the President, to the Senate, and to the country, that we do not propose to make any attempt whatever in the direction of civil service reform; that we do not propose to expend a dollar for that purpose; that we propose definitely, and now, to put an end to the attempt, and to say that the old mad whirl of office brokerage, of coining the entire patronage of the United States into mere political lucre, shall hereafter be the order of the day, and that nothing shall be done to ennoble our public service, — that no shield shall be interposed, — that the President of the United States, the head of the administration, the head of his party, and the chief of the nation, shall be told now to stop all efforts to better the state of things, and let the wild dance go on in the old way. I will not believe that such is the deliberate purpose of this House.

Two days later (April 12th) Mr. Garfield returned to the subject as follows: —

MR. SPEAKER, — I have given away all but fifteen minutes of the hour allotted me under the rules, and I desire in the time left me to call the attention of the House to one other of the pending amendments.

Some things have been said in the Committee of the Whole, concerning the civil service reform, to which I wish to call the attention of the House. The subject has been before the House several times this session, and the country ought to know in what spirit it has been treated by their Representatives.

Several weeks since the gentleman from Illinois[1] made a speech on this subject, which has been very generally read throughout the country, and in which he very succinctly stated his views of the nature of our civil service, and the uses to which it ought to be put. He said: —

"It is a fundamental principle embodied in our glorious Constitution, that the machinery of this government may be pulled to pieces every four years, and this principle has been put into practice all through the history of this government every time a new administration came into power. . . . . General Grant to-day occupies the Presidential chair because the Republican party is the 'successful' party, and because the offices belong to the successful party."

I admire courage even in a bad cause, and this is an example of undoubted courage. It is the most frank, candid, and logical assault that I have yet seen on the civil service reform. The gentleman declares that Grant was made President, not because the people wanted him for the public service, but because of the offices he would have to give to the party which elected him. This will be startling news to the great body of the American people.

In the debate yesterday the gentleman from Indiana[2] called the civil service reform a specimen of humbuggery. "It was got up," he says, "in the interest of parties, whose object it was to embarrass the operations of the present administration." "The President did not originate the measure; it was originated in Congress."

Another gentleman said that in an evil hour, hastily in the night, the men who stood guard here in the Capitol allowed this monster to be born, and sent out to plague the nation and embarrass the administration. The gentleman from Massachusetts[3] said it was originated by a Senator from Illinois. "Without one word of debate or explanation, the provision was put on an appropriation bill and sent here; and then, at four o'clock in the morning of the last day of the session, we were obliged to pass it or lose the bill. Now, sir, the President could

[1] Mr. Snapp. [2] Mr. Shanks. [3] Mr. Butler.

do nothing else than what he did in inaugurating this system; for I look upon this movement as the origin of the Cincinnati Convention. It was a shrewd politician's trick to put the President in such a position that if he did not inaugurate it he could be attacked, and if he did inaugurate it and failed he could still be attacked. And we fell into that trap."

My colleague on the committee[1] used this language: "Narrow-chested men say to us we must make some show of believing in civil service reform, for fear of what they may say of us at Cincinnati. . . . . This outcry is fomented by a crowd of blackmailers in the city of Washington and around this Capitol."

Another gentleman said: "I believe the civil service is much better and purer, and freer from corruption, jobbery, and fraud, than it has been before during a period of thirty years."

The gentleman from Minnesota[2] said: "As I have no confidence in these rules for civil service, then I will spit upon them and vote against them. . . . . The gentleman from Indiana called it humbuggery; I will call it a delusion, a mere farce, in which I will have no part."

Now, Mr. Speaker, those of us who do believe there is something in this effort for civil service reform, who do believe that something ought to be done to better that service, are not willing to be set down as humbugs, blackmailers, as stirrers-up of strife to disturb the administration, and as "fomenters of treason to be concentrated at the Cincinnati Convention." I say we are not willing to rest in silence under such imputations, and allow our opinions to be despised without saying something in defence.

In the elegant language of two of the assailants of this reform, they propose "to spit upon it." One gentleman said he would "spit upon the idea." Just how that could be done he did not tell us; but I remind gentlemen that this business of spitting upon men and reform is as old as the days of the crucifixion of our Saviour. But spitting and reviling have never "put down" any worthy reform or thought.

I ask the attention of the House for a few moments while I tell when, where, and by whom this civil service reform was inaugurated. The first notice of it after I became a member of the House was as far back as the Thirty-ninth Congress, when Mr. Jenckes, a noble man from Rhode Island, — no "Western hum-

[1] Mr. Sargent. [2] Mr. Dunnell.

bug," — pointed out the growing evils of our civil service, and when, by a committee which had charge of the subject of retrenchment, facts were brought into this House which no man ventured to gainsay, which called the attention of the country to the necessity of reform. In the other branch of Congress, attention was also called to the same class of evils. The voice of the chief Executive was first heard upon the subject, in recent times, on the 5th of December, 1870. In his annual message of that date, the President said: —

"Always favoring practical reforms, I respectfully call your attention to one abuse of long standing, which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employees, who do not require 'the advice and consent of the Senate' to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments. There is no duty which so much embarrasses the Executive and heads of departments as that of appointments; nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men."

I invite the attention of gentlemen who say that our system is the purest and best that can be conceived, to this declaration of the President: "The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the civil service of the government will be hailed with approval by the whole people of the United States."

Over against what we heard on the floor yesterday, I put that clear and manful statement of the President of the United States, and I also call the attention of the House to another statement by the President on the same subject. When we had, in obedience to his recommendation, passed a law providing for a commission to aid in this work, and when he had appointed that commission, and they had made their report, he sent us, on the 19th of December, 1871, a message accompanying that report, in which he says: "I ask for all the strength which Congress can give me to enable me to carry out the reforms in the civil service recommended by the Commissioners and adopted, to take effect, as before stated, on January 1, 1872."

"I ask for all the strength which Congress can give me." And this is the strength you gave him in the debate of yesterday on this floor!

Furthermore he says: "I therefore recommend that a proper appropriation be made to continue the services of the present board for another year." And he goes on to recommend that the three members of the board who hold other positions in the public service be authorized to receive a fair compensation for their extra services.

And now, when we undertake to comply with this recommendation, we are told that this effort is made by the enemies of the administration. If these gentlemen convince the country that they are carrying out the wishes of the President by their opposition to this appropriation, they will have struck him and his administration a more fatal blow than any yet delivered by those who use their right to criticise him. If all this effort at civil service reform is a mere piece of acting, it is high time the country should know it. If these gentlemen who denounce civil service reform so loudly will convince the country that the President has been insincere in all this, they will thereby make the Cincinnati Convention a power to be courted and feared, rather than denounced and "spit upon."

MR. SARGENT. The gentleman from Ohio himself says the plan is a humbug.

The gentleman from Ohio says no such thing.

MR. SARGENT. He says it has proved futile and ineffective.

I beg the gentleman's pardon. I said that many suggestions on civil service reform were doubtless idle and futile. But I did not say, and I never say, that the pointing out of evils in the civil service system, or that the demand for reform in the civil service, was either futile or a humbug.

MR. SARGENT. The gentleman was speaking of the rules of this board.

On the contrary, I stated to my colleague[1] on the committee, in the course of the debate, that I had not seen the new rules; and this amendment refers to such rules as may yet be perfected and adopted.

I hold in my hand a speech made in 1835 by no less a man than Daniel Webster, in which he called attention to the great

[1] Mr. Sargent.

evils which had been brought into the public service by the doctrine that "to the victors belong the spoils," and in clear and powerful language denounced those evils. I quote this language: —

"The extent of the patronage springing from this power of appointment and removal is so great, that it brings a dangerous mass of private and personal interests into operation in all great public elections and public questions. . . . . The unlimited power to grant office and to take it away gives a command over the hopes and fears of a vast multitude of men. It is generally true that he who controls another man's means of living controls his will. . . . . Office of every kind is now sought with extraordinary avidity, and the condition well understood to be attached to every office, high or low, is indiscriminate support of executive measures, and implicit obedience to executive will. . . . . I am for arresting the further progress of this executive patronage if we can arrest it. I am for staying the further contagion of this plague. . . . . Sudden removals from office are seldom necessary; we see how seldom by reference to the practice of the government under all administrations which preceded the present. . . . . I desire only, for the present at least, that when the President turns a man out of office he should give his reasons for it to the Senate when he nominates another person to fill the place. . . . . The removing power as recently exercised tends to turn the whole body of public officers into partisans, dependents, favorites, sycophants, and man-worshippers." [1]

I hope gentlemen will not call this the language of "humbug."

In the same debate, S. S. Prentiss, Senator from Mississippi, a man of rare power, indorsed Webster's opinion in even stronger terms, and pointed out the great falling off in the tone of the civil service of that day. He said: —

"Since the avowal of that unprincipled and barbarian motto, that 'to the victors belong the spoils,' office, which was intended for the use and benefit of the people, has become but the plunder of party. Patronage is waved like a huge magnet over the land, and demagogues, like iron filings, attracted by a law of their nature, gather and cluster around its poles. Never yet lived the demagogue who would not take office.

"The whole frame of our government, the whole institutions of the country, are thus prostituted to the uses of party. I express my candid opinion when I aver that I do not believe that a single office of importance within the control of the Executive has for the last five years been

[1] See Speech on the Appointing and Removing Power, Webster's Works, Vol. IV. pp. 179–199.

filled with any other view, or upon any other consideration, than that of party effect. Office is conferred as the reward of partisan service.

"Do you not see the eagerness with which even Governors, Senators, and Representatives in Congress grasp at the most trivial appointments, the most insignificant emoluments?"

The gentlemen who framed the report which has been forwarded to us by the President give this weighty testimony: —

"During the early administrations appointments were made from considerations of character and fitness, and removals took place for cause. This practice, as it was the wisest and most reasonable, was also to be expected, because Washington was unanimously elected to the Presidency, and party divisions, as we know them, were developed only toward the close of his administration. He required of applicants proofs of ability, integrity, and fitness. 'Beyond this,' he said, 'nothing with me is necessary, or will be of any avail to them in my decision.' John Adams made few removals, and those for cause. Jefferson said that the pressure to remove was like a torrent. But he resisted it, and declared, in his famous phrase, that 'The only question concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the Constitution?' Madison, Monroe, and John Quincy Adams followed him so faithfully that the joint Congressional Committee on Retrenchment reported, in 1868, that, having consulted all accessible means of information, they had not learned of a single removal of a subordinate officer, except for cause, from the beginning of Washington's administration to the close of that of John Quincy Adams."[1]

Will any gentleman risk his reputation as a student of political history by denying any one of the statements here made? I think not. They will not venture to say that Washington, or John Adams, or Jefferson, or any of our Presidents for the first forty years of the Constitution, was elected because of the offices which the "successful party" would be able to command.

The people, the millions of our worthy countrymen who look upon our system of government with reverence, who study its workings with patriotic affection, have not yet learned the lesson which, during the last two days, has been so boldly taught on this floor, — that politics is a trade, and officers are the mere tools and implements of political tradesmen. How will gentlemen dispose of such weighty testimony as that of my honored colleague,[2] not now in his seat, who, not many weeks

[1] Report of Civil Service Commission of December 19, 1871, p. 3.

[2] Mr. Shellabarger.

since, challenged the attention of the whole country by his powerful arraignment of the civil service as it now is? He said: —

"A 'civil service reform' that shall end this control by the Representative of the appointments of his 'district' will rescue the Constitution from one of its most threatening dangers. Of course, Mr. Speaker, I am not by this forbidding the President to take information as to the fitness of appointments from any intelligent and virtuous citizen, although he may be a member of Congress; but what I am deprecating and demanding to be reformed is that bad usage now attaining the strength of law, by which Senators and members are expected, and even constrained, to control the appointments of their States and districts.

"This fratricidal war against the foundation qualities of the government was begun thirty years ago by the Democratic party. The war took for its motto and put upon its banners this: 'To the victors belong the spoils.' May Heaven make it so that it shall be one of the new and crowning achievements of the Republican party to efface that motto, and efface it forever! And may there be written over it in letters inextinguishable, 'To the people belong the offices, for free bestowment upon those most worthy to fill them'!"

It will take a battalion of such assailants as have praised our service as spotless, and denounced all attempts at reform as "humbug," to controvert the truth of these weighty words. I am proud to stand in the company of those who favor a reform in this direction. In doing this, I denounce, not men, but a system.

From the days of Jackson down to the present hour, without the sole fault of any one administration, but by the process of slow, insidious growth, we have been going on step by step, until we have reached a situation which is deplored by the most thoughtful men in the nation. It is true our public service is and has always been purer than that which Brutus described when he said, —

> "Let me tell you, Cassius, you yourself
> Are much condemned to have an itching palm;
> To sell and mart your offices for gold
> To undeservers."

But it is the logic and the tendency of our whole system to sell the public offices for political favors and for aid to political parties. It is this condition of things which the President of the United States asks all his friends everywhere to help him reform, and which is rudely denounced by those who assume to

be his special champions. I hope the House will vote down the amendment made by the Committee of the Whole on the state of the Union, and vote for the amendment of the Senate, and I shall demand a vote by yeas and nays that we may see who are willing to aid the President.

ON the 19th of April, 1872, the civil service was discussed in the House, pending a bill introduced by Mr. Willard of Vermont, to preserve the independence of the several departments of the government. President Grant's executive order promulgating the amended civil service rules and regulations of 1872 had appeared three days before.[1] Mr. Garfield made the following remarks: —

MR. SPEAKER, — Three things have been brought prominently before us in this debate: first, that the Constitution of the United States does not permit us to inaugurate any civil service reform; secondly, that the interests of our great party do not allow us to enter upon any such reform; and thirdly, that our civil service is now so pure that it is not worth while to attempt to make it better. These three points have met us at every turn in this debate, and I wish to say a word or two concerning each.

My colleague[2] has just been telling the House what the Constitution and its guaranties are in this regard, and what is the effect of the teachings of the Constitution upon this bill. I call the attention of my colleague to the fact that, from the days of the fathers down nearly to the present time, it has been the golden rule of this government that the three great departments should be separate, independent of each other, coequal, coordinate, and that the rights of neither should be encroached upon by the others. There never was a nobler utterance on this point than that made by John Adams, which was adopted by all the fathers of the government, and embodied in the constitutions of many of the States, that the "legislative department shall never exercise the executive and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; and the executive

[1] The bill introduced by Mr. Willard, and the executive order, together with the civil service rules and regulations, are found in McPherson's "Handbook of Politics" for 1872, pp. 64–69.

[2] Mr. Bingham.

shall never exercise the legislative and judicial powers, or either of them, to the end that it may be a government of laws, and not of men."

Now I affirm, Mr. Speaker, that during the last forty years the spirit and meaning of that rule have been repeatedly violated in the mode in which our civil service has been administered. It cannot be said with even a show of truth that the Executive of this government does now exercise his constitutional function of nomination to office even, without the constant and increasing pressure of the legislative department. And for many years the Presidents of the United States have been crying out in their agony to be relieved of this unconstitutional, crushing, irresistible pressure brought to bear upon them by the entire body of that party in the legislative department which elected them to power. Individual members of Congress are no longer wholly responsible for this state of things, for they are also pressed by their political friends for help, which it is understood they are able to render. It is hardly possible for any man in public life to escape this pressure. But this state of things has grown up gradually, and by almost imperceptible degrees, until the old adjustment of the different departments of the government is wholly changed.

I affirm that this present custom and policy is an apostasy from the original policy of the government, — an apostasy alarming in its character; and that the chief reason why a reform in the civil service is required is that the three powers of the government, or particularly the two powers, the legislative and executive, may be restored to their independence, — may be left unawed and uninfluenced by the pressure of personal dictation and control.

We sometimes complain because our public buildings are scattered so widely over this city. That policy was inaugurated by President Washington, because he said the departments ought to be kept separate and so far apart that there should be no interference or collusion between them. It is for that reason that our public buildings here were located at points so remote from each other.

Mr. Speaker, we are told that our public service is now as good as any in the world. The President says in his first message which relates to this subject, that "the present system does not secure the best men, and often not even fit men, for

public place." That is what the President of the United States says to the gentlemen who oppose civil service reform, and who say that this system is so good that nothing more is needed.

Next comes the plea for party and its necessities. Our party, the gentleman from California [1] tells us, has done gloriously in the past. I agree with him in this, and there are few things that gentleman says in which I do not agree with him. But he goes on to say that our party is doing its work well, and had better not be disturbed by measures of this sort. Other gentlemen have intimated that no party in this country could live without the use of the government patronage to keep it in power. The gentleman from Illinois [2] boldly told us that the only way we ever elected a President was by letting his supporters understand that they were to enjoy the spoils of office as a reward of success. Mr. Speaker, the history of the country and its parties teaches me a different lesson. The best and noblest reforms and revolutions in the public sentiment of this country have been achieved by the people with patronage, power, and the spoils of office against them, and where not one in a hundred of the successful expected any other reward than the triumph of the principle they advocated. In such conflicts our noblest triumphs have been achieved. But, sir, if we are to look at mere party success, I would still say that a reform in our civil service is fast becoming a demand of our time which no party can afford to ignore.

The gentleman from Massachusetts [3] tells us we got along well in our war; that the paymasters settled our accounts so well that we stood pre-eminently above England in her settlements during the Crimean war. Our paymasters did well; and why? Because we had a system of service by which every officer was held to a strict accountability, a system under which we do not remove an officer from office upon the demand of any politician who may want his place. Our navy and our army both belong to that class of service which is the poles apart from the kind of service to which this measure relates. There is no great and eminently successful department of this government which has not been made so by being taken out of the ordinary channels of political management. Is there a man here who would be willing to turn the Coast Survey over to the fate of our ordinary civil service? In that bureau we

[1] Mr. Sargent. [2] Mr. Snapp. [3] Mr. Butler.

have a system of promotion by merit, which has given us those distinguished and noble men who in that service have crowned the nation with honor. So with the Light-House Board; and so with all the branches of our service which have really been an honor to human nature, and a glory to the nation itself. It is because we wish to lift other departments to a similarly high plane, that we ask the power of Congress to some measure of civil service reform.

I pass to another point. Gentlemen who defend the purity of our civil service say that it is now doing well, and needs no reform. I ask those gentlemen what they think of the system of political assessments. I ask them what they think of the collector of a great port, or the chief of any great branch of the service, issuing a circular calling for one, two, or three per cent of the salaries of all the employees under his control, to be used for party purposes, with the distinct understanding that, unless they pay the assessment, others will be found to fill their places who will pay them. I call the attention of gentlemen around me to that shameful fact, which prevails all through our service, and which has prevailed for the last twenty-five years; and I call their attention to the honorable fact, that, in this very executive order, published two mornings ago, which has met such a contemptuous reception in this House, the President of the United States says, "Political assessments, as they are called, have been forbidden in the various departments." Here is an executive order forbidding political assessments, and yet gentlemen around me do not want this order of the President to prevail, because the practice which it condemns affords a large so-called electioneering fund, which in many cases never gets beyond the pockets of the hangers-on and mere camp-followers of the party.

Now, Mr. Speaker, I desire to say a word in another direction. During the debate of last week, and also of yesterday, insinuations were made affecting the motives of public officers and of members, which I do not propose to pass over in silence. We were told in very plain language that this civil service business is a trick of some people who do not like the President, and who want to get up a hostile movement at Cincinnati, and that the President has been caught in a trap spread for him by Congress at the instigation of his enemies. "Mark now, how a plain tale shall put you down."

In speaking yesterday of the history of this movement, the gentleman from Massachusetts [1] said it began in the Senate on an amendment to an appropriation bill, which came over here and was passed in the last hours of the session, far into the morning, and, being thus forced upon the President, he was compelled to take the action he did take. My answer is the plain facts of the case, that the measure originated not in the Senate on the night of March 4, 1871, but in the President's message of December 5, 1870, where these words are used: "I respectfully call your attention to one abuse of long standing, which I would like to see remedied by this Congress. It is a reform in the civil service of the country." That was four months before the amendment of which the gentleman speaks was put on in the Senate. In obedience to the request of the President, on the 4th of March, 1871, the amendment was added, authorizing the President to devise some means for the regulation of the public service. Then, ten months after the law had been passed, in obedience to the President's recommendation, a message came to us from the President, bearing date December 19, 1871, forwarding the report of the commissioners, and saying: "I ask for all the strength which Congress can give me to enable me to carry out reforms of the civil service recommended by the commissioners, and adopted, to take effect on the 1st of January, 1872."

MR. BINGHAM. My colleague will notice that the President reserves to himself the right to amend the rules.

Certainly, he reserves to himself the right to amend the rules. And now, on the 16th of April, 1872, he sends us an executive order with a body of rules which the experience of several months more has enabled him to present in an amended form, and he calls upon Congress to support him in carrying these rules into effect.

Now, I have recounted briefly the stages by which we reached the present situation in regard to the civil service question. I have shown you that the reform was begun by the President, that it has been followed up by the President, and that he has asked the help of Congress in carrying it out.

I desire to say, as the sum of all I wish to offer to the House on this subject, that we have now reached a point in this legisla-

[1] Mr. Butler.

tion where, in my judgment, one thing is absolutely necessary. That is, that the Congress of the United States shall abdicate its usurped and pretended right to dictate appointments to the chief Executive. Now, I am not willing to go as far as the gentleman from Vermont,[1] and make a recommendation to the President a criminal offence, although I would remind my colleague from Ohio[2] that we have a law which does make it a criminal offence for members of Congress to practise in the claims departments of the government.

Let us show our willingness to aid the President in this matter by removing the great pressure of Congressional solicitation, and then hold him responsible for the manner in which he discharges his duties.

ON the 22d of February, 1873, pending the question whether money should be appropriated to defray the expenses of, or pay the salary or compensation to, any officers engaged in the so-called competitive civil service examinations, Mr. Garfield said: —

ON the question of civil service reform, my opinions are well known. I have never assented to all the plans and methods adopted by the administration in regard to appointments under the civil service system. A great deal may be said to excite levity as to the mode of examination and the questions put. But I stand here to say that an administration that has had the courage to undertake to reform the civil service as we have known it, to seek some method that shall put it on the basis of merit, and not on the basis of mere political patronage for party service, ought not to be "whistled down the wind" by speech or speeches designed merely to ridicule the methods employed.

The great political parties of the country have said that they are in favor of a measure of civil service reform.[3] The country is demanding it. And what I complain of, on the part of gentlemen who oppose everything attempted, is that they offer nothing instead. They propose no affirmative action; they simply oppose whatever is attempted in that direction.

[1] Mr. Willard. [2] Mr. Bingham.

[3] See Philadelphia and Cincinnati Platforms of 1872.

PENDING a similar question, June 12, 1874, Mr. Garfield spoke as follows: —

THE simple question before the House now is not whether the civil service examination that has been advised is a wise and just thing, and the best thing that can be done. It is whether we will try any longer to do anything to better our civil service. I hope gentlemen will make that issue squarely and fairly, and meet it. If we intend that no further effort shall be made, that the whole matter shall be abandoned, then say so; that is plain and square work. If we propose to return to the old Democratic system that we have inherited and been using, — the system that holds that the whole body of patronage, that the forty, fifty, sixty, or seventy thousand officeholders of the country, are a mere set of pawns to be played for in politics, to be given as gifts to political victors, — if we simply mean to trade and make merchandise of the offices of the United States, — say it; say it, and parcel out to the victorious members of Congress and the victorious party leaders their share of the gifts of office; say it, and stand by it, with your heads up in the light, and defend it. But if, on the contrary, we believe that the offices of the government were made for the service of the nation, and not to be the *peculium* of individuals, then let us at least be willing to keep on experimenting, and see whether there be any way by which this great national shame can be, in part at least, abated. The plain proposition now is, that we, like swine, shall return to our wallowing in the mire; that all the past, which we have resolved against in conventions and written against in our political pamphlets, shall now be hugged and embraced as the true political doctrine of the American future.

Now, I do not believe in most of the things that have been done in this matter of civil service examinations. Much of it is trifling. It is too schoolmasterly. There is a great deal in it that does not come up to the level of our practical necessities. But let us try, try on; and let us appropriate the small sum of $25,000 to keep trying, so as to see whether something may not be done to better the civil service of the United States. With this view, I implore gentlemen on this floor not to throw us back into the abuses of the past, and abandon all hope or purpose of doing anything better for the future. On this score I hope — no, I wish — that this House would appropriate the sum proposed; and I regret that the Committee on Appropriations did not embody such a proposition in the bill.

THE TARIFF BILL OF 1870.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL 1, 1870.

AFTER the failure of the attempt to increase the customs duties, made under the leadership of Mr. J. S. Morrill in 1866, there was no further attempt to legislate comprehensively or systematically upon the tariff until the second session of the Forty-first Congress. February 1, 1870, Chairman Schenck, of the Committee of Ways and Means, introduced a bill to amend existing laws relating to the duty on imports, and for other purposes. The situation had greatly changed since 1866. The temper of the public mind called imperatively for a reduction in the customs duties. Accordingly, the Schenck bill was a reduction measure. Pending this bill in Committee of the Whole, Mr. Garfield delivered the following speech.

The charge that Mr. Garfield was a free-trader, at one time current, finds more to support it in this speech, and in his remarks and votes pending the bill, than in anything else in his public record. The careful reader of the speech, and of Mr. Garfield's whole record touching it, will see that he recognized the fact that the condition of the country and the state of the public mind demanded some relief from customs taxation, and that the state of the Treasury, as well as the condition of national industries, would justify some reduction; but that in no sense did he give up the protective principle, and that the great question with him was, Granted a given reduction in taxation, how can it be best distributed? His historical outline of the growth of free commerce, and his reference to the state of the Western mind touching protection, were brought forward rather to induce protectionists to consent to reduction than to establish the doctrine of free trade.

The debate on the bill dragged wearily on towards the end of the session. At last, when it became morally certain that it could not be carried through the House, as a whole, for want of time if for no other reason, material portions of it were added to the Internal Tax Bill. The

latter bill, as amended, finally passed both houses at the end of the session. In the Statutes at Large its caption is, "An Act to reduce Internal Taxes, and for other Purposes," approved July 14, 1870.

MR. CHAIRMAN, — You will doubtless agree with me that any man deserves the sympathy of this House who rises to add one more to the forty-two speeches which have already been made on this subject, and to fill the two hundred and first column of the Daily Globe with his suggestions; but I congratulate the House that we are so near the end of this general debate and the beginning of the bill.

The debate has been able and searching. I have listened carefully to the various and conflicting views, and have tried to consider them impartially. An unusual amount of valuable information has been communicated to the House, but I am compelled to say that much of the argument has had reference to abstract theories rather than to the practical issues involved in the bill.

A great philosopher once said that abstract definitions had done more injury to the human race than war, famine, and pestilence combined; and I am not sure but a philosophical history of the struggles and difficulties through which the civilized world has passed would prove the truth of his observation. I trust no such disasters are likely to result from this discussion, and yet I think we are approaching the verge of a great danger from a similar cause. The most acrimonious utterances that we have heard in these forty-two speeches were made concerning the abstract ideas of free trade and protection; and I fully agree with my colleague[1] in his declaration that a large part of the debate has not applied to the bill, but to abstractions.

There is, no doubt, a real and substantial difference of opinion among those who have debated this subject,— a difference which discloses itself in almost every practical proposition contained in the bill; but I am convinced that the terms used and the theories advocated do not to any considerable extent represent practical issues. There are, indeed, two points of the greatest importance involved in this bill and all bills relating to taxes. One is the necessity of providing revenue for the government, and the other

[1] Mr. Schenck.

is the necessities and wants of American industry. These are not abstractions, but present imperative realities. As an abstract theory of political economy, free trade has many advocates, and much can be said in its favor; nor will it be denied that the scholarship of modern times is largely on that side; that a large majority of the great thinkers of the present day are leading in the direction of what is called free trade.

MR. KELLEY. The gentleman says no man will deny that the tendency of opinion among scholars is toward free trade. I beg leave to deny it, and do most positively. The tendency of opinion among the scholars of the Continent is very decidedly toward protection. This is strikingly illustrated by the recent publication in six of the languages of the Continent of the voluminous writings of Henry C. Carey, and their adoption as text-books in the schools of Prussia. I think the gentleman's proposition is true of the English-speaking people of the world, but that the preponderant tendency is the other way.

With the qualification which the gentleman makes, we do not greatly differ. Take the English-speaking people out of the world, and civilization has lost at least half its strength. I detract nothing from the great ability and the acknowledged fame of Mr. Carey when I say that on this subject he represents a minority among the financial writers of our day. I am trying to state as fairly as I can the present condition of the question; and in doing so I affirm that the tendency of modern thought is toward free trade. While this is true, it is equally undeniable that the principle of protection has always been recognized and adopted in some form or other by all nations, and is to-day to a greater or less extent the policy of every civilized government.

In order to exhibit the relation of these opposing doctrines to each other, I invite the attention of the committee to a brief review of the history of protection in the United States. Our industry, like our liberty, has come up to its present strength through a long and desperate struggle. We learned our industrial lessons under a severe master. England taught us, not by precept alone, but by the severest and sternest examples. The history of our pupilage is full of interest, for it gave birth both to our government and our industry. The economic doctrines known as the Mercantile System, which prevailed throughout Europe during the seventeenth and eighteenth centuries, gave

shape and character to the colonial policy of all European governments for two hundred years. It is a mistake to suppose that in planting colonies in the New World the nations of Europe were moved mainly by a philanthropic impulse to extend the area of liberty and civilization. Colonies were planted for the purpose of raising up customers for home trade. It was a matter of business and speculation, carried on by joint stock companies for the benefit of corporations. The proof of this may be seen in many pages of Bancroft and the other historians of the period. While our Revolution was in progress, Adam Smith, when discussing and condemning the colonial system, declared that England had founded in America a great empire "for the sole purpose of raising up a nation of customers who should be obliged to buy from the shops of our different producers all the goods with which these could supply them."[1]

When the Colonies had increased in numbers and wealth, the purpose of the mother country was disclosed in the legislation and regulations by which the Colonies were governed. The British Navigation Laws, beginning in 1660, and extending onward in a series of twenty-nine separate acts, each forming a round in the ladder which reached from the depths of Colonial servitude to Bunker Hill and American independence, form no incomplete synopsis of the causes of our Revolution. The act of 1660 provided that no article of Colonial produce or of British manufacture should be carried in any but British ships, and that all the officers and two thirds of the crew engaged in the carrying trade should be British sailors. This act also enumerated a long list of raw materials produced in the Colonies, and declared that none should be shipped to any but British ports. It provided that the Colonies should be allowed to purchase only in British markets any manufactured article which England had to sell. In short, the Colonist was compelled to trade with England on her own terms; and, whether buying or selling, the product must be carried only in British bottoms at the carrier's own price. In addition to this a revenue tax of five per cent was imposed on all Colonial exports and imports.

A recent writer, in reviewing this period of our history, has said: "Henceforth they [the Colonists] were to work for her; to grow strong, that they might add to her strength; to grow rich, that they might aid her in heaping up riches; but not to

[1] Wealth of Nations, Book IV. Chap. VIII.

grow either in strength or in wealth except by the means and in the direction that she prescribed." [1] It was in this spirit and in pursuance of this policy that a royal order of 1696 permanently intrusted to the Commissioners of the Board of Trade the management of the Colonies, which were regarded only as a part of the interests of commerce.

But the vigilant "nation of shopkeepers" was not content with watching and controlling the shipping and trade of American ports. Our cherishing mother laid her heavy hand on all the domestic industries of the Colonies. Colonial governors were directed to discourage all American attempts at manufacturing any article which England could furnish. In response to such an order, Governor Spotswood of Virginia wrote to the King this apology: "The people [of Virginia], more of necessity than of inclination, attempt to clothe themselves with their own manufactures. . . . . It is certainly necessary to divert their application to some commodity less prejudicial to the trade of Great Britain." [2]

In 1701 a government agent was sent to examine and report whether the conquest of Canada from the French would be profitable to England. His advice to the King was in these words: "The English need not fear to conquer Canada. Where the cold is extreme and snow lies so long on the ground, sheep will never thrive so as to make the woollen manufactures possible, which is the only thing that can make a plantation unprofitable to the Crown."

But reports and recommendations were not sufficient to prevent the Colonists, especially of New England, from attempting to clothe themselves. The power of Parliament was therefore invoked, and in the tenth year of William and Mary an act was passed which declared in its preamble that "Colonial industry will inevitably sink the value of lands in England." The nineteenth section is so remarkable that I will quote it entire: —

"After the 1st of December, 1699, no wool or manufacture made or mixed with wool, being the produce or manufacture of any of the English plantations in America, shall be loaden in any ship or vessel upon any pretence whatsoever, nor loaden upon any horse, cart, or other carriage, to be carried out of the English plantations to any other of the said plantations, or to any other place whatsoever." [3]

[1] Greene, Historical View of the American Revolution, p. 38 (Boston, 1865).
[2] Bancroft, History of the United States, Vol. III. p. 107.
[3] Ibid., Vol. III. p. 106.

No Colonial wool or woollen manufactures might be shipped, even from one Colony to another, and thus a general market was rendered impossible. Every British sailor was forbidden by law to purchase for his own use more than forty shillings' worth of woollen goods in any American port.

Soon after British smiths began to manufacture iron, an inquiry was made whether the Colonists had ventured to engage in that branch of industry. When it was found that they were endeavoring to supply themselves with iron from their own hills, the ironmongers of Birmingham sent a petition to Parliament, praying "that the American people be subjected to such restrictions as may forever secure the trade to this country." In 1750 a bill was introduced into Parliament decreeing that every slitting-mill in America be demolished. It was lost in the House of Commons by only twenty-two votes. It was decreed, however, that no new mills of that description should ever be erected in America. Ore might be taken from the mine, and iron in its rudest forms might be shipped duty free. "America produced and England wanted it," says Mr. Greene, "but every process which could add to the value of the unwrought ore was reserved for English hands. It could neither be slit nor rolled, nor could any plating-forge be built to work with a tilt-hammer, or any furnace for the making of steel." [1]

Furs were plenty in America, and the Colonists began to make hats for themselves. The hatters of London, seeing "their craft in danger" by a loss of customers, petitioned Parliament for a redress of grievances, and in the fifth year of George II. a statute forbade the transportation of hats from one plantation to another.

To maintain herself as mistress of the sea England must increase her navy. She would not consent that British gold should leave the island to purchase any pine

> "Hewn on Norwegian hills to be the mast
> Of some great ammiral."

So she turned to the free forests of America, which God, not England, had planted, and decreed that every pitch-pine tree two feet in diameter, and not in an enclosure, between the Delaware and the St. Lawrence, was the property of the King for the use of his navy, and might not be cut without a royal license,

[1] Historical View, p. 47.

under a penalty of £100. If the sinful chopper wore a disguise, he must receive twenty lashes on his bare back besides paying a fine. A Surveyor-General of the King's Woods, with his army of deputies and clerks, came over the sea to enforce this law.

The slave trade was too profitable to be neglected by the apostles of the Mercantile System. Slaves could be bought on the coasts of Africa for a few trinkets, and sold to the Spanish and other American colonies for gold. Hence, in the treaty of Utrecht, England secured the monopoly of the Spanish trade, and pledged herself to bring into the West Indies not less than 144,000 slaves within the next thirty years, and pay to Spain on 4,000 of them a duty of $33.33⅓ per head. No other nation was to enjoy this privilege. For the management of this lucrative trade the Royal African Company was formed. Philip V. of Spain took one quarter of the stock, "the good Queen Anne" another quarter, and the remaining half was reserved for her British subjects.[1]

In a tract written by a British merchant in 1745 it was declared that "the increase of intelligent white men in the Colonies would injure British manufactures by introducing competition; but the importation of negroes will keep them dependent upon England."

Whatever did not enhance the trade and commerce of England was deemed unfit to be a part of the colonial policy. When the good Bishop Berkeley proposed to establish a great American university, he was answered by Walpole: "That from the labor and luxury of the plantations great advantages may ensue to the mother country; yet the advancement of literature and the improvement in arts and sciences in our American Colonies can never be of any service to the British state."

A Colonial Commissioner, who was sent to England to ask an increased allowance for the churches of Virginia, concluded his earnest appeal to the royal Attorney-General in these words: "'Consider, sir, ... that the people of Virginia have souls to save.' 'Damn your souls!' was the ready reply; 'make tobacco.'"[2] In that reply were embodied both the piety and the policy of the British government in reference to their American Colonies.

Worse even than its effects on the industry of the Colonies was the influence of this policy on political and commercial

[1] See Bancroft, Vol. III. pp. 232, 233.

[2] Historical View, pp. 13, 14.

morality. The innumerable arbitrary laws enacted to enforce it created a thousand new crimes. Transactions which the Colonists thought necessary to their welfare, and in no way repugnant to the moral sense of good men, were forbidden under heavy penalties. They became a nation of law-breakers. Nine tenths of the Colonial merchants were smugglers. Nearly half of the signers of the Declaration of Independence were bred to commerce, to the command of ships, and to contraband trade. John Hancock was the prince of contraband traders; and, with John Adams as his counsel, was on trial before the Admiralty Court, in Boston, at the exact hour of the shedding of the first blood at Lexington, to answer for a $500,000 penalty alleged to have been incurred as a smuggler. Half the tonnage of the world was engaged in smuggling or piracy. The War of Independence was a war against commercial despotism, — against an industrial policy which oppressed and tortured the industry of our fathers, and would have reduced them to perpetual vassalage for the gain of England.

In view of these facts, it is not strange that our fathers should have taken early measures, not only to free themselves from this vassalage, but also to establish in our own land such industries as they deemed indispensable to an independent nation. The policy I have described prevailed throughout Christendom, and compelled the new republic, in self-defence, to adopt measures for the protection of its own interests.

No one now fails to see that the European policy of the seventeenth and eighteenth centuries was as destructive of national industry as it was barbarous and oppressive. Political philosophers did not hesitate to declare that a general and devastating war among other nations was desirable as a means of enhancing the commerce of their own. The great Dryden, poet laureate of England, was not ashamed in one of his noblest poems, the Annus Mirabilis, to invoke the thunder of war on Holland for the sole purpose of reducing her commercial prosperity. What living poet would mar his fame by such a couplet as this? —

> "But first the toils of war we must endure,
> And from the injurious Dutch redeem the seas."

Even as late as 1743 an eminent British statesman said in the House of Lords: "If our wealth is diminished, it is time to

ruin the commerce of that nation which has driven us from the markets of the Continent, by sweeping the seas of their ships, and by blockading their ports."

A better civilization has changed all this, — has expanded the area of commercial freedom, and remanded the industry of nations more and more to the operations of the general laws of trade. But it must be borne in mind that the political millennium, when all nations belong to one family, with no collision of interests and no need of distinct and separate policies, has not yet come. Until that happy period arrives, each government must first of all provide for its own people. Protection, in its practical meaning, is that provident care for the industry and development of our own country which will give our own people an equal chance in the pursuit of wealth, and save us from the calamity of being dependent upon other nations with whom we may any day be at war. In so far as the doctrine of free trade is a protest against the old system of oppression and prohibition, it is a healthy and worthy sentiment. But underlying all theories there is a strong and deep conviction in the minds of a great majority of our people in favor of protecting American industry.

And now I ask gentlemen who advocate free trade if they desire to remove all tariff duties from imported goods. I trust they do not mean that. Do they not know that we are pledged, by all that is honest and patriotic, to raise $130,000,000 in gold, every year, to pay the interest on our public debt? and will they not admit the necessity of raising $20,000,000 more a year, in gold, as a sinking fund, to apply to the principal of that debt? It will not be wise statesmanship to raise less than $150,000,000 in gold a year. If this be admitted, we have the limit to which we may reduce the duties on imported goods.

The heavy burdens which the people have borne during the last eight years must not be taken as proof that they can readily carry all that now rests upon them. We are now rapidly passing down from the high prices of the war; and the shrinkage of values is every day making the weight of taxation heavier to carry. Our revenue is now producing nearly $100,000,000 surplus, and it will be quite safe for the Treasury to reduce the receipts of customs duties from $180,000,000 to $150,000,000, and to remit internal taxes to the amount of $20,000,000 more, thus making a total reduction of $50,000,000. This reduction

will afford great relief to the people, and will be safe for the government.

We are limited in our tariff legislation by two things: first, the demands of the Treasury, and, second, the wants and demands of American industry. The Treasury we understand, but what is American industry? I reject that narrow view which considers industry any one particular form of labor. I object to any theory that treats the industries of the country as they were treated in the last census, where we had one schedule for "agriculture," and another for "industry,"— as though agriculture were not an industry, as though commerce and trade and transportation were not industries. American industry is labor in any form which gives value to the raw materials or elements of nature, either by extracting them from the earth, the air, or the sea, or by modifying their forms, or transporting them through the channels of trade to the markets of the world, or in any way rendering them better fitted for the use of man. All these are parts of American industry, and deserve the careful and earnest attention of the legislature of the nation. Wherever a ship ploughs the sea, or a plough furrows the field; wherever a mine yields its treasure; wherever a ship or a railroad train carries freight to market; wherever the smoke of the furnace rises, or the clang of the loom resounds; even in the lonely garret where the seamstress plies her busy needle, — there is industry.

We have seen within what limits we are restrained in reducing taxation. Let us next inquire in what way this reduction may be so made as to give most relief to industry. And here let me say that, in my opinion, the key to all our financial problems, or at least the chief factor in every such problem, is the doctrine of prices. Prices exhibit all fluctuations of business, and are as sure indicators of panics and revulsions as the barometer is of storms. If I were to direct any student of finance where to begin his studies I should refer him to the great work of Thomas Tooke on the History of Prices, as a foundation on which to build the superstructure of his knowledge.

But to make the study of prices of any value, we must examine the elements which influence prices. Some of them lie beyond our control, while others are clearly within the reach of legislation. Among the most prominent influences that affect prices are seasons, crops, the foreign markets, facilities of trans-

portation, and the amount and character of taxation and of the currency. All these combine to regulate and determine the prices that prevail in any one country as compared with prices in others. "The early and the latter rain," abundance and famine, war and peace in other nations, and sometimes in our own, are elements beyond our control. But we are responsible for the statutes which regulate trade, transportation, currency, and taxation. It is in our hands to place the burdens of taxation where they will impede as little as possible the march of industry, and least disturb the operation of the great laws of value, of supply and demand.

Now, consider the recent history of prices as related to industry in this country. When the war began, our public debt was less than $65,000,000. During the eight years immediately preceding the war the expenditures of the general government did not reach an average of $59,000,000 a year. Then came the war, by which nearly two millions of men were transferred from the ranks of producers to the army of consumers. The war itself was a gigantic consumer of wealth. In a single year our expenditures reached the enormous sum of $1,290,000,000, and when the last gun was fired our war had cost more than $3,000,000,000. The immediate effect was a rapid advance of prices; and from 1861 onward to 1866 the prices of all commodities rose to a much higher level than ever before. That was a period of great industrial prosperity, such as a rising market always brings; but it was an unnatural condition, which could not long continue. Our taxes were adjusted to the grand scale of war expenditures and war prices.

During the last four years the annual expenditure of the government has averaged $366,000,000, and this sum has been annually raised by taxation. No one will deny that this weight of taxation as compared with that before the war has been a powerful cause of the increase of prices, and that reduction of taxation will aid in reducing prices. The great volume of our depreciated currency has also exercised a most important influence on prices; but this is not the occasion to discuss it.

Since 1866 we have been gradually passing down toward the old level of prices. But what has been the effect of our being above it? This, that ours has been a good market for imports, but a poor one for exports. Many of the foreign markets which we largely controlled before the war have been practically closed

against us. For some commodities, such as breadstuffs and provisions, we still have a large market abroad. But if you draw a line through the list of all our exports, and place provisions above it and all other commodities below it, you will find that, while the first class has somewhat increased, the second has greatly fallen off during the last four years, as compared with a corresponding period before the war. During the four years preceding the war the total value of our domestic manufactures exported to other countries was $168,000,000, an average of $42,000,000 a year; while the total for the four years after the war was but $132,000,000, an average of $33,000,000 a year.

Take, for instance, our exports to those countries that lie within the bounds of the Western hemisphere, — countries that would naturally draw their principal supplies from us. It will be found that in our exports to all these countries there has been a great falling off. I have obtained from the official records some facts which strikingly exhibit the decrease of our trade with some of these countries. For instance, during the four years previous to the war the total value of our domestic exports to Canada amounted to $79,000,000, and the total value of imports from Canada during that period amounted to about $82,000,000, an average on both sides of about $20,000,000 a year, the imports and exports being nearly equal. But during the four years ending with June 30, 1869, the value of all our exports of American products to Canada has been a little less than $93,000,000, while the value of our imports from Canada has exceeded $150,000,000.

Our exports to the Sandwich Islands during the four years before the war were valued at $2,630,000, and our imports from the Sandwich Islands at $1,578,000. During the last four years we have exported to them $3,465,000, and have purchased from them $5,181,000.

To illustrate still more forcibly the condition of our foreign trade, I will exhibit the value of four leading articles of domestic products exported by us in the years 1860 and 1869, respectively, both being reduced to a gold valuation.

	1860.	1869.
Cottons	$10,900,000	$4,400,000
Iron machinery	5,514,000	809,000
Manufactures of copper and brass	1,664,000	444,000
Carriages	816,060	298,000
	$18,894,060	$5,951,000

This shows a falling off of sixty-eight and one half per cent.

Now, without in any way indorsing the old theory of the balance of trade, I state these facts to show that the markets of neighboring countries are not buying our products in the same proportion as before the war; and for the manifest reason, that prices here have been so high in comparison with prices in other countries that they cannot afford to purchase of us, but can more profitably sell to us for cash or bonds, and buy their products elsewhere. One of the most efficient methods of encouraging home industry is to secure extensive markets, and to do that our prices must be so adjusted as more fully to open to our trade the markets of the New World. This would afford a steady and constant demand for all the products of our industry, give greater stability to business, and restore to life our almost ruined commerce.

We shall find the great remedy against these evils in the continued decline of prices, until a point is reached where we can produce commodities for export at such a rate as will give us a reasonable chance in the markets of the world. When that time comes, the channels of trade will again be more fully opened, and the currents will flow outward as well as inward. Now, I do not suppose, Mr. Chairman, that we shall, for a quarter of a century, reach the old level of prices; for with $250,000,000 of taxes to be paid every year, prices cannot go down where they were when we paid but fifty or sixty millions a year. But prices must, nevertheless, go down nearer to the old level than they now are; and all our legislation in which this great economic truth is not recognized will be mistaken legislation. Indeed, I fear that the downward movement is too rapid for safety. Since this session began prices have greatly declined. When the cost of living has so far decreased that the laborer can lay by as much profit at a smaller rate of wages as he can at present rates, the business of the country will be healthier, and the foreign trade more abundant and advantageous. The laboring man will not suffer by this, for it is not the gross amount he receives, but the amount he can save after paying expenses, that determines his prosperity. Congress has already done much to aid in this reduction of prices.

In 1866, when we reached the highest point of taxation, expenditures, and prices, Congress began the work of reduction. In the first session of the Thirty-ninth Congress we reduced the

internal revenue taxes $60,000,000. In the second session we reduced them $40,000,000 more. In the first and second sessions of the Fortieth Congress we reduced them $70,000,000 more. Thus, in a space of two years and a half, we reduced the burdens of the country $170,000,000. We not only reduced, but we simplified taxation. It was simplified in many ways. Where taxes were duplicated, complex, and annoying, they were simplified, and, as far as possible, removed from industry and imposed upon vices, luxuries, and realized wealth. Our present system of internal taxation, as modified by recent legislation, applies almost exclusively to these three classes of objects.

First, we tax the vices of the people, if that term may be properly applied to some of their social habits. The smokes and drinks and chews of the American people pay almost one half of the taxes now collected under our internal revenue laws. In the next place we tax the luxuries of the people. Nearly one quarter of the internal revenue taxes are collected from that class of articles. And, finally, we tax realized wealth in the shape of incomes, sales, and gross receipts. These three classes cover nearly all the objects of internal taxation; and the system, though susceptible of improvement and still greater reduction, is eminently wise. It must be admitted that the income tax is vexatious and inquisitorial, and I hope our revenues will soon allow its abolition.

While we have made these heavy reductions, and thus greatly relieved the burdens of the people, there has been no substantial reduction of the taxes on imported goods. On all other things we have reduced the war rates. We mustered out our great army and navy, sold off our material of war, reduced the heavy war rates of internal taxation, and generally have readjusted our affairs to the conditions of peace. The demand is now made from many parts of the country, and not without reason, that the war tariff shall also be adjusted to the conditions of peace. And this brings me to the bill now pending before the House.

The chairman of the Committee of Ways and Means,[1] in his clear and vigorous speech yesterday, gave us an outline of its provisions. He tells us that it reduces the rate of taxation on six classes of articles; namely, sugar, spices, coffee, drugs and dyes, pig-iron, and a large class of miscellaneous articles. I

[1] Mr. Schenck.

understand him to say that the bill reduces taxation about $23,000,000 in the aggregate. That would leave us a gold revenue from imports of about $160,000,000, a sum sufficient for discharging the annual interest on the public debt and one per cent per annum of the principal. Besides this proposed reduction, my colleague says there are two other leading objects embraced in the bill: first, to readjust the rates on many articles subject to duty by levelling them up or down, as the case may be, without materially changing the average duty; and secondly, by changing *ad valorem* to specific duties, wherever it can safely be done, in order to prevent fraud by undervaluation at the custom-house. These, if I understand my colleague, are the chief objects of this bill; and in the main they meet my full approval. The general plan is a good one, though on its details there may be difference of opinion.

In addition to these objects I desire to suggest a principle that ought to be applied to this and all our tariff legislation. So far as it can reasonably be done, the system of customs duties should be so simplified that there shall be as little duplication of taxes as possible. We ought to do for the tariff laws what we did in 1866, 1867, and 1868 for the internal revenue laws, when we removed taxes from the separate processes and imposed them mainly on completed products.

Mr. Chairman, though I shall reserve my remarks generally on the items of the bill till we reach them in the regular course of the debate, yet I will take this occasion to refer to one matter here treated which deeply concerns the people of many localities. I refer to the duties on iron in its various forms. I doubt if there is any man on this floor whose constituents will be more seriously affected by the passage of this bill than my own; and I should not do justice to them, nor to the truth, if I did not exhibit to the House precisely the effect of this bill upon their interests.

But let me say, Mr. Chairman, I refuse to be the advocate of any special interest as against the general interests of the whole country. Whatever may be the personal or political consequences to myself, I shall try to act, first, for the good of all, and, within that limitation, for the industrial interests of the district which I represent. But I desire to say to the committee, and particularly to my colleague,[1] that, if I can prevent it, I

[1] Mr. Schenck.

shall not submit to a considerable reduction of a few leading articles in which my constituents are deeply interested, when many others of a similar character are left untouched, or the rate on them is increased.

I desire to call attention to the provision of this bill which most concerns the manufacturers of my own district, and that is the duty on pig-iron. I believe there are about 445 iron-furnaces now in blast in the United States. There are nineteen in my district alone; there are nine more in the district of one of my colleagues,[1] and several more in an adjoining district represented by another colleague.[2] These furnaces produce, on an average, about 7,000 tons of pig-iron per annum, and nearly all of them use raw bituminous coal in reducing ores.

I believe that the first furnace in the United States which reduced ore with raw bituminous coal was established in Mahoning County, Ohio, in 1846. From that time, year by year, with some interruption, there has been an increase in the number of furnaces. In the year 1856 the Lake Superior ore was first brought down to the Ohio coal region, and now there come down the Northern Lakes, as has been shown by the gentleman from Michigan, about 500,000 tons of that ore per annum; and more than one fourth of the whole amount is every year consumed in two counties of my Congressional district.

Now, this bill reduces the duty on pig-iron $2, which is 22¼ per cent less than the present duty. If the House of Representatives thinks that this ought to be done, and if I shall be convinced that the public good requires it, I shall not resist it. But the furnace-men of my district say that this reduction ought not to be made. They say that the Special Commissioner of the Revenue has miscalculated the cost of producing pig-iron, and that the recommendation of the Committee of Ways and Means will be injurious to their interests. When we reach the clauses of the bill relating to iron I shall present to the House the estimates and facts which they have furnished me. For the present, however, I desire to ask the attention of my colleague[3] to a point in connection with the duty on pig-iron.

In the paragraphs of the bill relating to iron I find this provision: "On cast-iron steam, gas, or water pipes, 1¾ cents per pound." Now, I understand that, next to pig-iron, the cheapest form of cast-iron product in the United States is the article of

[1] Mr. Ambler. [2] Mr. Upson. [3] Mr. Schenck.

large and heavy water-pipes, made of the poorest and cheapest iron, and costing at the present time, in the wholesale market, from $50 to $60 a ton, — not a third more than pig-iron. I find that the Committee of Ways and Means, instead of reducing the duty on this product, have raised it to 1¾ cents per pound, which amounts to $39.20 per ton in gold. Now, if the product itself is worth on an average $55 a ton in currency, the proposed rate will amount to 85 per cent *ad valorem;* while on pig-iron, a product of vastly more importance, and involving the investment of an enormous amount of capital, the duty is reduced from $9 to $7 per ton, a decrease of 22¼ per cent. I ask my colleague whether he thinks I ought, in justice to my constituents and to this great interest, to permit the duty on pig-iron to be thus reduced, and allow this coarsest and cheapest form of cast-iron except pig to be protected by duty six times as great. The distinguished gentleman from Iowa,[1] a member of the Committee of Ways and Means, has affirmed in his speech that the duty on ninety sizes of iron is increased by this bill, while there are less than ten sizes on which it is reduced. If this is a bill to increase generally the duties on iron, I shall resist this decrease on the leading article manufactured by my constituents.

MR. SCHENCK. It is but repeating what I have already said to assure my colleague that, if he is dissatisfied with these rates, he will have every opportunity of moving to change the rates when we come to those items, and that will draw out the reasons *pro* and *con* for any changes in the tariff upon the same.

Certainly; I am aware of that. But I desire to say in this connection that I hold it to be the duty of this committee, and particularly of members who represent iron interests, to show us precisely what this bill provides on this whole subject. My colleague says that he will give us a chance to offer amendments. I desire to say to him that, when the classification of a whole subject has been changed, it is not possible for any person not an expert to say, without very careful study, whether the rate has been increased or decreased. The entire classification of some subjects in this bill has been changed, and so changed that none but an expert can tell what the effect will be. Now, I agree with the Committee of Ways and Means that it is a wise policy to make a moderate reduction of some of the existing

[1] Mr. Allison.

rates of duty, and I am ready to aid in such reductions; but I shall insist upon fair dealing all around. If the duties on the products of my constituents are to be reduced, I shall ask that the duties on the products of industries in other districts shall likewise be reduced. If the article of salt, represented here by the gentleman from Syracuse,[1] on which the internal tax in his district alone in 1866 amounted to $280,000, but all of which has been removed, and of course the producers benefited by just that amount, — if salt, I say, is to be left untouched, then I shall insist that some greater interests shall be left untouched also. The reduction proposed should be made in some equitable way, in order that relative justice may be done.

Now, Mr. Chairman, I do not desire to be misunderstood. The points that I have made in regard to special interests in my own district I do not make in any narrow and sectional spirit, nor for the sake of being heard in my own district. After studying the whole subject as carefully as I am able, I am firmly of the opinion that the wisest thing which the protectionists in this House can do is to unite in a moderate reduction of duties on imported articles. He is not a faithful Representative who merely votes for the highest rate proposed in order to show on the record that he voted for the highest figure, and is therefore a sound protectionist. He is the wisest man who sees the tides and currents of public opinion, and uses his best efforts to protect the industry of the people against sudden collapses and sudden changes. Now, if I do not misunderstand the signs of the times, unless we do this ourselves, prudently and wisely, we shall before long be compelled to submit to a violent reduction, made rudely and without discrimination, which will shock, if not shatter, all our protected industries.

There have been few occasions when Congress and the country had more need than now of studying the lessons taught by the history of past legislation. I therefore ask the indulgence of the committee for a few moments while I review the history of our tariff legislation. As I read that history, the warning is repeated again and again to avoid extremes.

The second act of the First Congress, called "the Hamilton tariff" of 1789, continued in force, with some additions and modifications, for twenty-five years. During that period the

[1] Mr. McCarthy.

average rate of duty on imported goods did not exceed 15 per cent.

The war of 1812 greatly crippled our commerce, and proved the necessity of a more independent system of home manufactures. The public debt, which in 1815 reached $120,000,000, required an unusually large revenue, and at the meeting of Congress in December of that year, Mr. Madison recommended an increased duty on imports, not only for the sake of revenue, but also for the protection and maintenance of our manufacturing industry, which had received a powerful impulse during the latter part of the war. He expressed the belief that our manufactures, with a protection not more than was due to the enterprising citizen whose interests were at stake, would become at an early day not only safe against occasional competition from abroad, but a source of domestic wealth and even of external commerce. During that session the Calhoun tariff of 1816 was passed, which may be said to mark the beginning of discriminating protection. The bill was sustained by the South, but opposed by New England; it being claimed on the one hand that it would utilize the cotton crop of the one section, and on the other that it would injure the commerce and fisheries of the other section. The tariff of 1816 lasted for eight years, producing a revenue of from 20 to 35 per cent of the importations, the average rate being about 25 per cent.

The year 1824 marked the era of what may be called "the Clay tariff," which passed the House by five majority and the Senate by three. It encountered its heaviest opposition from New England, Massachusetts and New Hampshire together casting twenty-three votes against and only three for the bill. In this tariff "the American system," as Mr. Clay named it, found its first complete embodiment. The duties imposed by it ranged from 34½ to 41 per cent. When it had been in operation about four years the friends of protection determined to push the rates up to a still higher figure, and the act of 1828 was passed by a close vote, after an acrimonious debate, with bitter feeling and intense excitement on both sides. Almost immediately after its passage the reaction began, and it went on gathering head and force until, in 1832, resistance to the tariff assumed the form of nullification and open rebellion, and the whole country was brought to the verge of civil war. To avert such a calamity Henry Clay, the great leader of the protective movement, him-

self came forward with a bill reducing the rates by a sliding scale, to operate for ten years, until the average of 20 per cent should be reached.

MR. KELLEY. I simply want to suggest that that movement was understood at the time, and did not relate to the tariff at all. General Jackson understood it when he said it did not mean tariff, but it meant slavery and disunion, and the tariff was only a pretext.

It is true that other questions were involved in the issue, but the gentleman will find it unsafe to apply the test of history to his assertions. The contest was concerning the tariff, particularly the act of 1828. It was that act which South Carolina nullified, and refused to allow to be executed within her borders. When Mr. Clay's compromise tariff passed, South Carolina revoked her acts of nullification, and came out of the contest with flying colors. The compromise tariff of Mr. Clay prevented civil war. It went into operation in 1833, but the free-traders pushed their victory so far that, in 1840, a great reaction came from the other side, and they were in turn driven from power, and the tariff of 1842 was adopted, by which the rate of duty was raised, and fixed at an average of 33 per cent.

The free-trade party having again come into power, a heavy reduction of the tariff was made in 1846, and the rate pushed down to an average of 24½ per cent. This act continued in force without material change during a period of nine years, when the Democratic party, flushed with success in the Presidential election of 1856, determined to push their free-trade policy to a still greater extreme, and in the tariff act of 1857 they reduced the rate of duty to 20¼ per cent, a lower rate than it had reached in forty years. This law so crippled the revenue of the government that in 1860 the Treasury was empty, and our credit so poor that the Secretary paid twelve per cent interest for loans which, even at that rate, he found it difficult to negotiate.

As might be expected, there was another reaction in favor of higher rates, and the year 1861 marked a new era in the history of the tariff. Now the rates were again raised. From the 2d of March, 1861, to the present time, there have been thirteen separate tariff acts and resolutions, all of which have more or less increased the rate of duties, and it now averages about 47½ per cent on dutiable articles, and over 41 per cent on all our imports, both dutiable and free. That these acts were

made necessary by the war, few will venture to deny. It is also undeniable that the heavy internal taxes imposed upon manufacturing industries neutralized the effect of protective duties, and made an increase of the tariff necessary as a measure of compensating protection. But, as I have already shown, the heaviest burdens of internal taxes have been removed from manufactures, and a demand that some corresponding reduction in the tariff rates shall be made is coming up from all quarters of the country. The signs are unmistakable that a strong reaction is setting in against the prevailing rates, and he is not a wise legislator who shuts his eyes to the facts of the situation.

The historical review that I have given strongly exhibits the fact that the industry of the country during the last half-century has been repeatedly tossed up and down between two extremes of policy, and the country has suffered great loss by each violent change.

The great want of industry is a stable policy; and it is a significant comment on the character of our legislation, that Congress has become a terror to the business men of the country. This very day the great industries of the nation are standing still, half paralyzed at the uncertainty which hangs over our proceedings here. A distinguished citizen of my own district has lately written me this significant sentence: "If the laws of God and nature were as vacillating and uncertain as the laws of Congress in regard to the business of its people, the universe would soon fall into chaos."

Mr. Chairman, I have already said that we see in many parts of the country a desire to reduce our tariff rates. Turning aside from the merits of the question itself, I ask the attention of the committee to the possibilities of the case. Consider the forces and elements now operating upon the question, and ask yourselves what is likely to be the result. In this House there are about sixty Democrats, a great majority of whom are declared free-traders.

MR. WOOD. I beg the gentleman's pardon; I do not know a single free-trader, as such, on this side of the House.

MR. COX. Here is one.

MR. MUNGEN. Here is another.

"Ex pede Herculem."

MR. WOOD. I am in favor of a tariff for revenue, and not for absolute free trade, and I believe that is the position occupied by a majority of the members on this side of the House.

If the gentlemen on the other side are not nearly all free-traders, they have misrepresented themselves; for of the score that have made speeches on this subject almost every one has denounced the tariff as robbery or fraud.

So much for that side of the House. How is it on this? West of Ohio, north of Arkansas, and east of the Rocky Mountains, there are nine States represented here, all of them Republican, some of them overwhelmingly Republican in politics. Yet, if I understand correctly the opinions of the fifty-seven Democratic and Republican Representatives in this House from those nine States, there are at least fifty of them who are in favor of some reduction in the present rates of our tariff.

I do not think there is any agreement among these gentlemen what they will reduce or how much they will reduce, and I say nothing now about the justice or injustice, the wisdom or folly, of their opinions. Many of them from the Northwest, like the gentleman from Minnesota,[1] affirm that the duties as at present adjusted are oppressive to the farming community, and give great and undue advantage to those engaged in manufactures. Many of them tell us there is a feeling of deep discontent and growing hostility to the tariff among agriculturists. Many of them, like the gentleman from Minnesota, disavow any sympathy whatever with free trade or free-traders, and have no more sympathy with the Democratic party now than they had during the war. Many of them tell us that, unless we submit to a reasonable reduction of tariff duties, the reaction now in progress will soon seriously shatter our whole protective system. I invoke the earnest attention of the House to these facts showing our situation.

I will not indulge in crimination or recrimination. I will take no part in the violent denunciation which we have heard in the progress of this debate. I do not believe, on the one hand, that the manufacturers are corruptly striving for their own gain as against the public good; nor, on the other, that the free-traders have been bought with British gold, and are wilfully and knowingly the enemies of their country. I stand now where I have always stood since I have been a member of this House. I take

[1] Mr. Wilkinson.

the liberty of quoting from the Congressional Globe of 1866 the following remarks which I then made on the subject of the tariff.

"We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers, by rendering it impossible for our manufacturers to compete with them; while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our market, would leave no check upon the prices which our manufacturers might fix upon their products. I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please. To this extent I am a protectionist. If our government pursues this line of policy steadily, we shall, year by year, approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection which leads to ultimate free trade. I am for that free trade which can be achieved only through protection." [1]

Mr. Chairman, examining thus the possibilities of the situation, I believe that the true course for the friends of protection to pursue is to reduce the rates on imports wherever we can justly and safely do so, and, accepting neither of the extreme doctrines urged on this floor, endeavor to establish a stable policy that will commend itself to all patriotic and thoughtful people.

I know that my colleague [2] thinks that general debate on this subject is of little consequence, but that the true discussion is on the details of the bill. I grant it; and I know that, when we come to consider the separate items of the bill, he will find that men declaring themselves free-traders will vote for a high rate of duty on some articles in which their districts are interested, and for a very low duty for other things in which their districts are not interested. This was my own experience on the Committee of Ways and Means. But I have expressed in this general and desultory way the views which I shall carry into the discussion; and I believe that they are the views which will best subserve both the interests of the Treasury and the general interests of American industry.

[1] See *ante*, p. 208.

[2] Mr. Schenck.

CURRENCY AND THE BANKS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 7, 1870.

FROM 1868 to 1870, as from 1866 to 1868, the new financial heresies continued to make headway. In its national convention for 1868 the Democratic party declared that, when the obligations of the government did not expressly state upon their face, or the law under which they were issued did not provide, that they should be paid in coin, they ought to be paid in the lawful money of the United States, — that is, in greenbacks; and it also demanded the taxation of government bonds and other securities at their face value. The same year the Republican party did, indeed, denounce all forms of repudiation, and declare that the public indebtedness should be paid in the utmost good faith to all creditors according to the spirit as well as the letter of the law; but the platform was silent upon resumption, and a great many Republicans were as crazy upon financial subjects as Democrats could be. A demand for "money enough to meet the demands of trade" sprung up, and grew louder and louder. Inflation of the currency became a mania, and was happily characterized by Mr. Garfield in some remarks made in the House, February 28, 1867: —

"Mr. Speaker, in one hour this House will dispose of one of the most important measures of the session next to reconstruction, and I wish to say to the distinguished and venerable gentleman from Pennsylvania,[1] that I am willing to go to his school and learn of him, but I appeal from his teachings of to-day to his teachings of three years ago.

"When the bill was brought forward in the House, in 1862, the gentleman is recorded in the Globe as opening his speech as follows: 'Mr. Speaker, this bill is a matter of necessity, and not of choice. I hope this issue of $150,000,000 will be the last. I should be grieved to see any further expansion of the currency.'

"That was in the early spring of 1862, when but $60,000,000 of United States notes had been issued, and when he was proposing to issue

[1] Mr. Stevens.

$150,000,000 more. That $150,000,000 was issued, and $100,000,000 more, and $400,000,000 more, deluge on deluge, until the enormous total has swelled to $1,100,000,000! It is now nearly $900,000,000, and yet the gentleman talks of wanting more. I know of nothing which better illustrates the mania for paper money than 'Rum's Maniac' as portrayed by Dr. Nott. The poor victim, whom rum had ruined in family and property, was in the mad-house, and in his insane ravings called on all the friends of his early years to save him; but the refrain of every prayer was, —

'Will no one pity, no one come?
O give me rum! O give me rum!'

"The vast volume of irredeemable paper money now afloat has played the chief part in disturbing all the normal relations of business. Business men and legislators have taken paper money in such overwhelming doses that they are crazed, and, like the lotus-eaters, wish to return no more to solid values. Forgetting the past, forgetting their own teachings, their votes, and their records of a year ago, they join in the crazy cry, 'Paper money! Oh, give us more paper money!'

"Why, sir, at the last session but six members of the House were found to vote against a resolution that we ought to return to specie payments, and to do it we must contract the currency. That was the almost unanimous opinion of this House at the beginning of the last session. We commenced the work of contraction cautiously and slowly, but when these gentlemen found it pressed them only a little, they cry out, like the maniac, 'Press us no more; give us more paper money!' A man's hand is hopelessly shattered; it must be amputated or he dies; but the moment the surgeon's knife touches the skin he blubbers like a boy, and cries, 'Don't cut it! take away the knife! the natural laws of circulation will amputate it by and by.' Yes, gangrene and death will soon settle the difficulty, and save him from the pain of the knife."

For the time men of sound views abandoned an immediate return to coin payments, as well as all measures of direct preparation for it, and hoped for nothing more than to hold the rising tides of financial folly and dishonor in check. The House of Representatives, which responded more fully than the Senate to popular feeling, adopted this resolution, February 21, 1870: "*Resolved*, That, in the opinion of the House, the business interests of the country require an increase in the volume of circulating currency, and the Committee on Banking and Currency are instructed to report to the House, at as early a day as practicable, a bill increasing the currency to the amount of at least $50,000,000."

At the opening of the Forty-first Congress, Mr. Garfield was made Chairman of the Committee on Banking and Currency. His aim now was to use the full power of his position, as well as his personal force and influence, to prevent the enactment of measures that would impair the

public credit or inflict injury upon the country. Indirectly, however, he was able to render the treasury and the country a substantial service in carrying through a bill, introduced as a reply to the resolution of February 21, authorizing an enlargement of the national bank circulation, as well as a redistribution of a portion of the old circulation. From the day that this measure was introduced (April 27), with the title, "A Bill to increase Banking Facilities, and for other Purposes," to the day of its passage and approval (July 12), with the title, "An Act to provide for the Redemption of the Three Per Cent Temporary Loan Certificates, and for an Increase of National Bank Notes," Mr. Garfield made, besides remarks and a lengthy statement on presenting a conference committee's report, three speeches, at as many different stages in the progress of the measure. Because this was more peculiarly his own than any other financial measures with which his name is connected, as well as because they cover all phases of the pending question, and a vast region of financial discussion lying outside of that question, these speeches will be here given, one of them somewhat abridged. The first speech was upon the bill as reported from the committee, and was as follows.

"Credit is the vital air of the system of modern commerce. It has done more a thousand times to enrich nations than all the mines of all the world." — DANIEL WEBSTER.

MR. SPEAKER, — I trust I shall have at least the sympathy of the House in an attempt to discuss so difficult and delicate a subject as the currency of the country; and especially so now, when probably more than at any other time in the history of the country there is a chaos of opinions and a war of theories on the whole subject of finance. If each member should write down in brief what he thinks ought to be done with the currency of the country, and all the opinions were collated, it would make a most singular collection of contradictions. I do not say this as a reflection upon the House, or any member of it, but to exhibit the singular state of opinion, not only here, but throughout the country. After some reflection, I do not believe it possible that any comprehensive financial measure can at this time receive the general assent of the whole country, or of any considerable majority in this House. Having my own cherished and decided opinions, and having frequently announced them here, I find it impossible to realize my own ideas in any bill which can have the least possible chance of passing in this House; and, so far as I know, the

same may be said of every other member of the House. Under circumstances like these it became the duty of the Committee on Banking and Currency to prepare a bill to meet, as far as possible, the manifest demands of the country. And in attempting to do this we labored under all the difficulties that I have named, with the additional difficulties of instructions from the House, and of a resolution from the other branch of Congress expressing opinions diametrically opposite to those of the House.

Before entering upon the consideration of the bill itself, I ask the indulgence of the House while I state a few general propositions touching the subject of trade and its instruments. A few simple principles form the foundation on which rests the whole superstructure of money, currency, and trade. They may be thus briefly stated.

First. Money, which is a universal measure of value and a medium of exchange, must not be confounded with credit currency in any of its forms. Nothing is really money that does not of itself possess the full value which it professes on its face to possess. Length can be measured only by a standard which in itself possesses length. Weight can be measured only by a standard, defined and recognized, which in itself possesses weight. So, also, value can be measured only by that which in itself possesses a definite and known value. The precious metals, coined and stamped, form the money of the world, because when thrown into the melting-pot and cast into bars they will sell in the market as metal for the same amount that they will pass for in the market as coined money. The coining and stamping are but a certificate by the government of the quantity and fineness of the metal stamped. The coining certifies to the value, but neither creates it nor adds to it.

Second. Paper currency when convertible into coin at the will of the holder, though not in itself money, is nevertheless an order for money, a title to the amount of money promised on its face; and so long as there is perfect confidence that it is a good title for its full amount, it can be used as money in the payment of debts. Being lighter and more easily carried, it is for many purposes more convenient than money, and has become an indispensable substitute for money throughout all civilized countries. One quality which it must possess, and without which it loses its title to be called money, is that the promise

written on its face must be good, and kept good. The declaration on its face must be the truth, the whole truth, and nothing but the truth. If the promise has no value, the note itself is worthless. If the promise affords any opportunity for doubt, uncertainty, or delay, the note represents a vague uncertainty, and its value is measured only by the remaining faith in the final redemption of the promise.

Third. Certificates of credit, under whatever form, are among the most efficient instruments of trade. The most common form of such certificates is the check or draft. The bank is the institution through which the check becomes so powerful an instrument of exchange. The check is comparatively a modern invention, whose functions and importance are not yet fully recognized. It may represent a deposit of coin or of paper currency, convertible or inconvertible; or it may, as is more frequently the case, represent merely a credit, secured by property in some form, but not by money. The check is not money; yet, for the time being, it performs all the functions of money in the payment of debts. No greater mistake can be made than to suppose that the effective value of currency is not directly increased by the whole amount of checks in circulation. A recent financial writer says: "Considering the bank note and check, both are promises to pay, both orders for money and payable on demand, and both, when the holder has faith in the promise, are received in payment for debts." Bonamy Price, the latest English authority on this subject, concludes one of his most powerful chapters on currency with these words: —

"For my part, let others dwell on notes, the numbers of their circulation, their tendency to increase or diminish, their stability and their solvency, — let me rather hear of the movements and operations of the check. The rising flood of checks, as it is a sign of the activity, so also is it the usual mark of the profitableness of business; their ebb too surely announces the drooping resources of commerce. Great is the note, I admit; but far greater yet is the check." [1]

If any one doubts the correctness of this position, I call his attention to the remarkable fact that the bank-note circulation of Great Britain is no greater to-day than it was thirty-five years ago. By Sir Robert Peel's Currency Act of 1844, the increase of bank-notes was practically prohibited. In that year

[1] Principles of Currency, (Oxford and London, 1869,) p. 95.

the total volume of bank-notes in the United Kingdom was £39,297,180; in January, 1867, it was but £38,092,950. Commenting on this remarkable fact, R. H. Patterson, a Scotch writer, says in a recent work, that though the note circulation has remained stationary for more than a quarter of a century, yet within that time the trade of England has more than trebled; her exports and imports have increased from £130,000,000 to £420,000,000.

"The bills, or commercial currency by which our trade is carried on, have simultaneously doubled in amount, and our banking deposits have increased fivefold, having risen from £80,000,000 to £400,000,000.

"The means by which this progress has been accomplished have been the extension of banking, the increased use of commercial currency (bills), and, most of all, the development of the check system and the establishment of the clearing-house. In truth, money, whether in the form of bank-notes or coin, hardly plays any part in the processes by which our rapidly expanding trade is facilitated, or even in the transactions of banking. Startling as the fact may seem, not more than five per cent of banking transactions are made either in notes or coin. Of the innumerable payments into banks, constituting deposits, and of the equally numerous drafts upon banks, or demands for repayment of those deposits, ninety-five per cent (as has already been shown) are in the form of checks and bills, only five per cent being in money, *i. e.* notes or coin. . . . . Money, whether bank-notes or coin, now constitutes merely the retail currency of the country, — the medium in which we pay for the small wants of the day; for our dinner and cabs, our railway ticket, and petty purchases in shopping. All else is done by means of checks and bills. These checks and bills are the great moving power, — the form in which all the larger purchases of goods and property are made; notes and coin being only needed for petty payments." [1]

For the year ending October, 1869, the total exchanges through the New York clearing-house amounted to $37,407,000,000, and the cash balances were about $1,120,000,000, being but little more than three per cent of the total transactions. And even this small ratio of balances is paid mainly by checks and by a transfer of accounts. Every year witnesses some new device by which the use of actual money is economized.

I would not for a moment lose sight of the first great necessity of all exchanges, that they be measured by real money, the recognized money of the world; nor of that other necessity next in importance, that bank-notes or Treasury notes shall represent

[1] Science of Finance, (Edinburgh and London, 1868,) pp. 36–38.

real money, shall be of uniform value throughout the country, and shall be sufficient in amount to effect all those exchanges in which paper money is actually used. I would keep constantly in view both these important factors. But that is a superficial and incomplete plan of legislation which does not include in its provisions for the safe and prompt transaction of business those facilities which modern civilization has devised, and which have so largely superseded the use of both coin and paper money.

The bank has become the indispensable agent and instrument of trade throughout the civilized world, and not less in specie-paying countries than in countries cursed by inconvertible currency. Besides its function of issuing circulating notes, it serves as a clearing-house for the transactions of its customers. It brings the buyer and seller together, and enables them to complete their exchanges. It brings debtors and creditors together, and enables them to adjust their accounts. It brings the capitalist and the tradesman together, and offers facilities for credit far beyond the mere issue of its notes. It collects the thousand little hoards of unemployed money, and through loans and discounts converts them into active capital. In the language of Professor Bowen, in his work on Political Economy, just published, —

"A bank is a reservoir which collects in amounts available for use the raindrops which would otherwise be lost by dispersion; and it brings borrowers and lenders together, knowing that their respective wants can be supplied by concert and previous arrangement. The two legitimate sources from which the bank can make loans are its capital and deposits. . . . . But the question will be asked, How can the bank safely make any use of the sums thus deposited, seeing that any number of them are liable to be withdrawn at any moment? The answer is easy. The bank could not safely use the capital if it had *but one* depositor; but having *many* — hundreds, perhaps — it can safely employ the whole *average* amount of the deposits in discounting notes for its own profit, as experience shows that their average amount continues with little fluctuation, the daily withdrawals by one set being constantly made up by fresh deposits from another set." [1]

I find there are still those who deny the doctrine that bank deposits form an effective addition to the circulation. But let us see. A bank is established at a point thirty or forty miles distant from any other bank. Every man within its circle has

[1] American Political Economy, (New York, 1870,) pp. 314, 315.

been accustomed to keep in his pocket or safe a considerable sum of money. The average amount that he thus keeps is virtually withdrawn from circulation, and for the time being is cancelled, is dead. After the new bank is established, a large portion of that average amount is deposited with the bank, and a smaller amount is carried in his safe or pocket. These accumulated deposits placed in the bank at once constitute a fund which can be loaned to those who need credit. At least four fifths of the average amount of deposits can be loaned out, thus converting dead capital into active circulation.

But the word *deposits* covers far more than the sums of actual money placed in the bank by depositors. McLeod, in his great work on Banking, says: "Credits standing in bankers' books, from whatever source, are called deposits. Hence, a deposit, in banking language, always means a credit in a banker's books in exchange for money or securities for money." Much the larger proportion of all bank deposits are of this class, — mere credits on the books of the bank. Outside the bank these deposits are represented by checks and drafts. Inside the bank, they effect settlements and make thousands of payments by mere transfer from one man's account to that of another. This checking, counter-checking, and transferring of credit amounts to a sum vastly greater than all the deposits. No stronger illustration of the practical use of deposits can be found than in the curious fact that all the heavy payments made by the merchants and dealers of the city of Amsterdam, for half a century, were made through a supposed deposit that had entirely disappeared some fifty years before its removal was detected. Who does not know that the $600,000,000 of deposits reported every quarter as a part of the liability of the national banks are mainly credits that the banks have given to business men? The $200,000,000 now supposed to be deposited in the banks of New York never existed there at any one time, nor even the fifth part of it. About four fifths of the deposits are constantly loaned out to customers. The declared deposits in the Boston banks are about $50,000,000, and the mere shifting of this amount of credits in the banks wipes out two or three hundred millions of indebtedness every week. After alluding to this latter fact, Professor Bowen remarks: "The relative amount of the bank circulation, or of the specie reserve, has nothing to do with this result, any more than it has with the position of the planets, for

the whole process might go on undisturbed if there were not a specie dollar or a paper dollar in existence."

If the analysis that I have attempted to make of the principles which govern trade and business be correct, it will aid in ascertaining the wants of the country, and in determining what legislation is necessary to meet the demands of business.

Mr. Speaker, I shall venture to hope that those who have honored me with their attention thus far will agree that a mere supply of currency, however abundant, will not meet the case. Coin and currency form only the change, the pocket-money, of trade. For the great transactions which the marvellous energies of our people are carrying on, they need and will demand that greater instrument of modern invention, — that credit currency, properly secured and guarded, which takes the forms of checks, drafts, and commercial bills. And this brings me to the question, How is the country now supplied with currency, and with those other facilities for the transaction of business?

It ought to be understood everywhere that the great injustice done to the Western and Southern portions of the country by the present distribution of banking facilities is so flagrant that it will not much longer be endured; and if the wrong be not soon righted, the overthrow of the national banking system is imminent.

In entering upon this question I am met by our philosophical Eastern friends, who say, " Put the currency wherever you please, and, like water on the top of the mountain, it will find its level; the distribution, therefore, makes no difference, for the currency will necessarily find its natural place."

Mr. Speaker, I recognize the truth asserted; but insist that it is not applicable to the case in hand. I offer, in answer, the fact that the distribution of banking facilities under the State system, before the war, is a better test of the wants of business than the present distribution. What are the facts? In 1860–61, in eleven of the Southern and Southwestern States, there were two hundred and ninety banks of issue, having a capital of $119,223,633, and a circulation of $74,153,545, besides specie to the amount of $26,064,503. Contrast that with the present situation. Trace a line from the ocean westward, by the south line of Maryland, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, and Missouri, and we find that in the twelve States south of that line, whose population in 1860 was nine millions, there

are but seventy-one national banks, with a capital of only $13,117,500, and a circulation of but $8,936,170. Besides the increase of population, the four million slaves have now become users of currency. In those States there is not more than seventy-five cents *per capita* of bank circulation. It is monstrous to pretend that such a distribution is either equitable or just.

In 1861, the banks of the six New England States had a capital of $119,590,423, and a circulation of $44,991,285. Now the same States, with a population of 3,136,283, as shown by the last census, have $150,000,000 of national bank capital, and $104,500,910 of bank circulation. This is $33⅓ to each inhabitant, an increase of one hundred and thirty-three per cent since 1861, while in the Southern and Southwestern States the circulation has been reduced eighty-eight per cent.

The States of the Northwest, where the increase of wealth and population is greatest, have also suffered heavily from this unequal and unjust distribution. Compare Wisconsin and Rhode Island at the two periods: —

	Population, 1860.	Circulation, 1861.	Circulation, 1869.
Rhode Island	174,620	$3,772,241	$12,486,900
Wisconsin	775,881	4,310,175	2,508,102

Within the last decade, Wisconsin has increased in population and wealth much more rapidly than Rhode Island; and yet in amount of currency Rhode Island, which had one third less than Wisconsin in 1861, has five times more in 1869.

I append a table showing the population of the States in 1860, the number of banks, their capital and circulation in 1861, and the corresponding facts concerning the national banks at the date of the last report.[1]

This inequality of distribution was brought about partly by legislation, but mainly by a gross violation of the law.

MR. WOOD. Will the gentleman permit me to ask him upon what data, or basis, he makes his statement?

I will do so. The first national banking act, of February 25, 1863, provided for the entire amount of circulating notes to be issued. It contained this clause: —

"That the entire amount of circulating notes to be issued under this act shall not exceed $300,000,000, of which sum $150,000,000 shall be apportioned to associations in the States, in the District of Columbia, and

[1] See Table A, at the end of this Speech.

in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories."

This provision contained two rules of distribution. First, that $150,000,000 should be distributed according to population. This would be about five dollars to each inhabitant. Secondly, that the remaining $150,000,000 should be distributed with due regard to the existing bank capital, resources, and business of the country. In the revised act of June 3, 1864, this clause, prescribing the rule of distribution, either by accident or design, was repealed, but it was restored to the law by the act of March 3, 1865. At that time less than $70,000,000 of national bank circulation had been issued. On the same day, however, another act was passed, allowing any State bank having a paid up capital of not less than $75,000 to become a national bank before the 1st of July, 1865. This provision, taken alone, would doubtless be construed as suspending the rule of distribution; but as it and the distribution clause were approved on the same day, they should have been construed together, and the State banks should have been allowed to convert, subject to the rule of distribution. The Secretary of the Treasury and the Comptroller of the Currency, however, allowed the conversion of State banks to go on in disregard of this rule. In July, 1865, when the privilege of conversion granted to the State banks had expired, there had been but $131,452,158 of national bank currency issued. Under any construction of the two acts of March 3, 1865, it was clearly the duty of the officers charged with the execution of the law to limit all subsequent issues of such currency within the provisions of the rule of distribution. But even after that date the rule was wholly neglected; and before January, 1867, the whole amount of circulation authorized by law had been issued to a crowd of State banks that came rushing into the national system, producing the great injustice that we now experience.

MR. WOOD. If the gentleman from Ohio will permit me, I will say right here, without interrupting his argument, that I apprehend he confounds banking capital with circulation.

Not at all. If the gentleman will refer to the printed tables, he will see they are referred to in separate columns.

MR. WOOD. I am aware there is no difficulty in ascertaining the distribution of banking capital, and on that banking capital under the law the circulation is permitted; but it is no indication of the real amount of circulation in existence. For instance, the gentleman has very properly stated that the city of New York possesses one sixth of the amount allowed; but he has not stated the additional fact, that the State of New York is continually sending its circulation into the West and South, and, indeed, into every portion of the United States where the commerce and business of those sections require additional circulation. Therefore the circulation we have is not for our own local use; but is used everywhere for the necessities of business and commerce.

I should be glad to yield to the gentleman, but I have not the time. The gentleman from New York has led me directly to the next point I had intended to discuss. It is not in the unequal distribution of the currency alone, but in the unequal distribution of banking facilities, that the great injustice is perpetrated upon the West and South. They are deprived of what is far more important than circulation, — the facilities for banking and credit, which a proper distribution of banking capital would give them. Destitute of banks, business men are compelled to keep on hand a large amount of currency, which is thus virtually locked up from circulation. With banks properly distributed in the destitute neighborhoods, this currency would be deposited, and would form the foundation of loans, drafts, checks, and the vast transactions that banks enable the people to perform. An increase of the greenback currency would merely give additional circulation, but would afford none of the advantages which accompany the establishment of banks.

I call attention to a circumstance which seriously aggravates this inequality of distribution. The great fluctuations caused by the uncertain value of our inconvertible currency have long depressed legitimate business and greatly stimulated mere speculation. The result is, that our currency has been steadily flowing into the centres of speculation, to be used in that fatal but fascinating game which is played every day in the stock exchange and gold room. For example, during the summer of 1869, the exchanges of the gold clearing-house of New York averaged nearly $100,000,000 per day, more than ninety per cent of which was used in mere financial gambling; and though the material in which these speculators dealt was what Mr. Fisk calls "phantom gold," yet in playing their reckless game they kept locked up from the legitimate business of the country

millions on millions of currency. At the present moment there is a glut of currency in New York, and a dearth of it in the West. I read a passage from the money article of a late New York paper: —

"The New York banks owe, May 28: —

On deposits	$228,039,345
On circulation	33,132,478
Total	$261,171,823
Twenty-five per cent reserve would be	$65,292,956
They hold, in gold and greenbacks	94,346,711
Excess	$29,053,755

"Rate for money four to five. Speculation in the gold room is dull."

It is not often that so many suggestive and important facts are grouped together in the same place.

MR. INGERSOLL. It is four per cent on call, is it not?

Certainly. That is the meaning of the quotation. Ninety-four millions of currency reserves in the vaults, — $29,000,000 more than the law requires, — money a drug at four and five per cent, and all this because speculation in the gold room was dull; while millions of our industrious citizens find it difficult to borrow money at ten and fifteen per cent! It is marvellous with what patience the American people permit themselves to be robbed and defrauded!

These speculators are now waiting to see what financial laws we pass, as my friend[1] before me suggests, and what influence they will have on the operations of the gold room. In this suspense, the gamblers of Wall Street are letting their money lie idle to see which way the tide will turn. Let Congress neglect to pass the legislation which is necessary to overcome the difficulties of the situation, and we shall see the scenes of July, August, and September last with its "Black Friday," re-enacted. I hasten to say that I by no means indorse the notion that Congress can determine, by any artificial mathematical rule, just how the currency ought to be distributed through the country, or how much is needed; but it cannot be denied that our past experience and present situation demonstrate the outrageous injustice done to the West and South in regard to the currency.

And now I inquire for a remedy. What shall it be? By

[1] Mr. Judd.

what means shall we supply the West and South with currency and banking facilities to meet the demands of their rapidly increasing population and wealth? Shall it be by an immediate increase of the volume of our paper money, to be followed by a greater depreciation of the whole mass, an increase of prices, and a great and disastrous disturbance of values and of all business transactions? For myself, I do not hesitate to declare that such legislation would be in every way ruinous to the interests and destructive to the credit of the country. I believe that the volume of our paper currency is already too large, and that a resumption of specie payments would reduce it.

But, Mr. Speaker, whatever may be our individual opinions, it is clear that no measure of inflation can by any possibility become a law during the present session of Congress. The following resolution, which passed the Senate without a dissenting vote, on the 24th of February last, indicates that no measure of inflation can meet the assent of that body. I quote the proceedings of the Senate on this subject, as recorded in the Globe: —

"THE CURRENCY.

"MR. WILLIAMS submitted the following resolution for consideration: —

"*Resolved*, That to add to the present irredeemable paper currency of the country would be to render more difficult and remote the resumption of specie payments, to encourage and foster the spirit of speculation, to aggravate the evils produced by frequent and sudden fluctuations of values, to depreciate the credit of the nation, and to check the healthful tendency of legitimate business to settle down upon a safe and permanent basis; and therefore, in the opinion of the Senate, the existing volume of such currency ought not to be increased.

"THE VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

"MR. SHERMAN. I hope not. Let it pass.

"MR. SUMNER. Let it pass.

"THE VICE-PRESIDENT. The Chair hears no objection to the present consideration of the resolution, and it is before the Senate.

"The resolution was agreed to."

It is equally clear that no measure for the resumption of specie payments that includes contraction of the currency as one of its provisions can pass this House, during the present Congress. Shut up within these limitations, practically forbidden either to increase or diminish the volume of the currency,

the Committee on Banking and Currency were instructed by the House of Representatives, February 21, 1870, to perform the duty described in the following resolution: "*Resolved*, That, in the opinion of the House, the business interests of the country require an increase in the volume of circulating currency, and the Committee on Banking and Currency are instructed to report to the House, at as early a day as practicable, a bill increasing the currency to the amount of at least $50,000,000."

Under these circumstances the duty of the committee was very difficult to perform. Shut up between Scylla on the one side and Charybdis on the other, and instructed by the peremptory resolution, what could the committee do? It must give more banking facilities. It must give more circulating currency. But it must neither increase nor decrease the volume of the currency.

One term in the resolution was the lamp by which our feet were guided. That term was "circulating currency." It did not mean greenbacks; manifestly not, for my friend from Illinois[1] had again and again tried to lead the House to pronounce in favor of an increase of greenback circulation, and had failed every time by more than twenty votes. Did it mean an increase of bank circulation? The House could hardly have meant that, considering the impossibility of getting such a measure through both houses of Congress. "Circulating currency," was the term used; "circulating currency" was the key to the situation. In bank credits — checks, drafts, bills of exchange, and certificates of deposit — an increase of circulating currency could be obtained without an inflation of the total volume of greenbacks and bank-notes. Guided by these views, and thus limited, the committee introduced the measure now before the House. It is the result of a compromise of many differences of opinion, and perhaps suits no member of the committee in all its features; yet, on the whole, they believe it will give the needed relief, with the least disturbance to the business of the country, and without injury to the public credit. I now invite the attention of the House to its provisions.

The bill aims at two leading objects: to provide for a more equitable distribution of the currency without contraction or inflation, and without increased expense to the government, and to provide for free banking on a specie basis. The first of

[1] Mr. Ingersoll.

these objects it is proposed to reach by the provisions of the first six and the last three sections of the bill. The second object is provided for in the remaining sections, being the seventh, eighth, and ninth.

The provisions for the more equitable distribution of the currency and the increase of banking facilities are the following: —

First. The issue of $95,000,000 of national bank notes in States having less than their proper proportion.

Second. The cancellation and retirement of the three per cent certificates, which now amount in round numbers to $45,500,000, and the cancellation and retirement of $39,500,000 of United States notes.

Third. When the whole amount of the $95,000,000 of additional notes shall have been issued, circulation shall be withdrawn from States having an excess, and distributed to States that are deficient, in such sums as may be required, not exceeding in the aggregate $25,000,000. There were two reasons for choosing $95,000,000 as the amount to be issued.

The first was, that, by a comparison of the circulation as now distributed with the amounts that should have been issued according to the rule of distribution, it was found that the deficiency in the States which had less than their proper proportions amounted to nearly $95,000,000. This is fully exhibited in the following table: —

List of States which secured less than their proportion of National Bank Circulation under existing laws, together with the balance to which each of them is entitled.

Virginia	$8,596,020	North Carolina	$7,166,800
West Virginia	800,450	South Carolina	7,373,500
Illinois	1,887,725	Alabama	7,136,353
Michigan	1,375,745	Oregon	282,000
Wisconsin	3,703,398	Texas	3,553,465
Iowa	1,191,423	Arkansas	2,545,100
Kansas	305,500	Utah	102,000
Missouri	5,246,475	California	3,003,000
Kentucky	8,133,280	Florida	955,500
Tennessee	7,574,449	Dakota	27,000
Louisiana	9,486,411	New Mexico	486,000
Mississippi	5,211,617	Washington Territory	82,500
Nebraska	11,500		
Georgia	8,186,400	Total,	$94,423,611

The second reason was that the House had instructed the committee to provide for $50,000,000 for the business wants of the country; and as the Senate had already passed a bill providing for the issue of $45,000,000 in lieu of the three per cents, the two amounts would make $95,000,000.

Aside from any question of redistribution of the currency, it will hardly be denied that these three per cent certificates should at once be redeemed. It will be remembered that they were issued to aid in retiring the compound-interest notes. The Secretary of the Treasury, in his last annual report, made the following recommendation in regard to these three per cents.

"The three per cent certificates are a substitute, to a considerable extent, for United States notes, being largely held by the banks as a portion of their reserve, and thus indirectly, though not to their full nominal value, they swell the volume of currency.

"I recommend that provision be made for the redemption of the three per cent certificates within a reasonable time, and, as a compensating measure for the reduction in the amount of currency which would thus be caused, that authority be given to grant circulation to banks, in the States where the banking capital is less than the share to which they would be entitled, to an amount not exceeding $35,000,000 in the aggregate. The redemption of the three per cent certificates, and the additions to the banking capital, might be so arranged as not to produce a serious disturbance in the finances or business of the country, while additional banking capital would be supplied to the sections now in need of it, and this without any increase of the volume of circulation."[1]

As a loan they are the most dangerous form of our interest-bearing debt. They are payable on demand, and in any great financial crisis might be precipitated upon the Treasury at once, to the great distress and discredit of the government. They are mainly used by the national banks in the redemption cities as reserves; and it is a scandal that these banking institutions should be permitted to draw interest on the reserves which they are required to hold to secure their circulation and deposits. There is no stronger ground of objection to the national banking system than that such partiality should be permitted. The country banks have no advantage of these three per cents, for the reports of the Comptroller of the Currency show that none of them are held outside of city banks. Not only are we allowing interest on these reserves, but their value

[1] Message from the President, with the Reports of the Heads of Departments, (Washington, 1870,) pp. 32, 33.

has steadily appreciated, and they are to-day worth nearly twenty cents more than when they were first issued.

In the next place, the bill provides for the withdrawal and cancellation of $39,500,000 of United States notes. The first effect of this decrease will be to appreciate the value of the remaining mass, and thus tend towards specie payments. But a more important result will be that, as the national banks are required to keep the value of their own circulation equal to the value of greenbacks, they will be called upon to exchange their own notes for greenbacks on demand. This will tend to call back the circulation of every national bank to its own neighborhood, and thus more equitably distribute the whole volume of circulation.

Notwithstanding the present glut of currency in New York, the brokers of Wall Street join in full cry against this bill, because it proposes to take away some of the vast surplus they hold, and distribute it to the destitute portions of the country. It is a little singular that it is severely attacked in the public journals on exactly opposite grounds. The critics on one side declare it is a severe measure of contraction, and those on the other declare, with equal positiveness, that it will result in great inflation. I invite the attention of those who charge that this bill contracts the currency, to the following considerations.

This bill proposes to redeem $45,500,000 of three per cents, and to cancel $39,500,000 of United States notes, making a total withdrawal of $85,000,000, and to issue $95,000,000 of national bank notes, the issue in every case to precede the withdrawal, so as to avoid any shock to business. This will leave in existence $10,000,000 more of paper currency than we now have, counting the whole value of the three per cents equivalent to currency. But the three per cents serve as currency only when they are used as bank reserves, and, as a matter of fact, they have never all been held as bank reserves at any one time. During the last year and a half there has been an average of $3,000,000 of them that was not held by the banks. The correct statement therefore is, that this bill will create between twelve and thirteen millions more of paper money than now exists.

A portion of the committee were in favor of making the withdrawals exactly equal to the issues; but the fact that all the national bank notes issued will require a greenback reserve of from fifteen to twenty-five per cent of the amount of circulation,

led the committee to make this increase of the issue counterbalance the virtual contraction caused by the withdrawal of such reserves. In my judgment, the additional reserves required by this bill will not in fact decrease the amount of legal-tender notes in actual circulation, for the reason that the national banks hold a much larger reserve than the law requires. The official reports show that, during the last fifteen months, the reserves held by the banks have averaged $224,000,000, while they were required by law to hold but $169,000,000. It will thus be seen that they constantly hold $55,000,000 more than the law requires. The new reserves required by this bill will doubtless be drawn from the surplus, and not from the active circulation of the country. There is, therefore, no ground for the assertion that this bill contracts the currency.

I wish I were able to demonstrate also that there is no inflation in the bill. Here is the feature most unsatisfactory to me. For four years past I have pleaded for some practical legislation, looking toward a gradual and safe return to specie payments. It has been clear to my mind that resumption is impossible so long as the present volume of inconvertible currency is maintained. I have, therefore, strenuously opposed all attempts to increase its volume. But, deeply impressed with the necessity of giving larger facilities to the West and South, and of relieving the national bank system from the odium which the present unequal distribution brings upon it, I have consented, with reluctance, to this feature of the pending bill, believing that the benefits conferred by the bill will be greater than the evils that will result from the measure of inflation that it contains. The actual increase of circulating notes which it authorizes is about $13,000,000; but the great increase of credit currency in the form of checks and drafts will, in my judgment, result in a very considerable expansion of paper credits. I cannot, in justice to myself, let this feature of the bill pass without expressing my regret that the state of opinion in the House and country requires its enactment.

MR. LYNCH. This bill, I believe, provides for $95,000,000 of additional bank circulation, and for the retirement of $45,000,000 of three per cent certificates and $40,000,000 of greenbacks, making $85,000,000. From the $95,000,000 of bank circulation authorized by this bill is to be deducted a reserve on circulation of twenty-five per cent in certain cities, and fifteen per cent in others, averaging say twenty per cent; to

which must be added the reserve on deposits, which, being equal on the average to the circulation, would take $19,000,000 more, making a total reserve of $38,000,000 to be deducted from the $95,000,000 authorized, leaving but $57,000,000 actually going into circulation, while the amount actually retired by the bill is $85,000,000. So that under the operation of this bill there would be a contraction of the currency to the extent of $28,000,000. I would like to know how the gentleman figures out an increase of currency under this bill.

The gentleman says that the $95,000,000 will not be all in circulation, because greenbacks equivalent to twenty per cent of it will have to be locked up in the vaults of the new banks as reserves. I answer my friend, that the banks now keep on an average $55,000,000 more of reserves than they are required to keep by law. They have been doing so for more than two years past. All that will happen, therefore, will be that the volume of surplus reserves will be reduced. It will not lock up any more currency; indeed, it will liberate —

MR. LYNCH. Does the gentleman undertake to say that, when the banks are increased in number, the excess of reserve which they keep will not be increased in the same ratio? How will the excess of reserve be reduced by an increase in the number of banks?

I have examined with great care the condition of the reserves of the national banks, and I find that in New York and other money centres, for reasons that I have already stated, there is an immense surplus reserve, far greater than the reserve in the country generally. Now, this surplus will find its way into the reserves of the new banks. The surplus reserve will undoubtedly be reduced when the banking system is extended, when the number of banks in the West and South is increased, and the volume of legal tenders is reduced in proportion to the increase of national currency. When the relative value of greenbacks is thus increased, the banks will be called upon to redeem their notes in legal tender, as the law now requires. This will keep the bank-notes nearer home than now. They will flow back from the money centres, and find their way into localities where they are needed for legitimate business. One of the evils of our present system is, that the national banks rarely redeem any of their notes. They are not asked to do so. They are bound by law to redeem them in greenbacks, but no one demands it. Let the system be extended; let the ratio between greenbacks and national bank notes be changed from

$300,000,000 of national currency and $400,000,000 of greenbacks, as it now is, to exactly the opposite condition; then the banks will be called on to redeem, and that will keep their circulation at home, and keep it better distributed.

I recur again to a point already made, that the facility for obtaining bank credits will be vastly increased by this bill. I am willing it shall be so. I can reconcile myself to it only on one ground. The only proper basis on which such currency should circulate is the business needs of the country.

But some gentlemen say, "Increase the greenback currency; issue more; it is popular; it is safe; it is cheap; give it liberally, and satisfy the wants of the country." This brings us to the question whether we shall have the national bank currency, or a currency issued directly by the government. All those who believe that the national banks should be overthrown, and that the government should itself become the manufacturer of the currency of the country, will doubtless oppose this bill in all its provisions. There are a few gentlemen, whose opinions I very greatly respect, who believe such a substitution ought to take place. I disagree with them for the following reasons.

In the first place, it is the experience of all nations, and it is the almost unanimous opinion of all eminent statesmen and financial writers, that no nation can safely undertake to supply its people with a paper currency issued directly by the government. And, to apply that principle to our own country, let me ask if gentlemen think it safe to subject any political party that may be in power in this country to the great temptation of over issues of paper money in lieu of taxation. In times of high political excitement, and on the eve of a general election, when there might be a deficiency in the revenues of the country, and Congress should see the necessity of levying additional taxes, the temptation to supply the deficit by an increased issue of paper money would be overwhelming. Thus the whole business of the country, the value of all contracts, the prices of all commodities, the wages of labor, would depend upon a vote of Congress. For one, I dare not trust the great industrial interests of this country to such uncertain and hazardous chances. But even if Congress and the administration should be always superior to such political temptations, still I affirm, in the second place, that no human legislature is wise enough to determine how much currency the wants of this country require.

Test it in this House to-day. Let every member mark down the amount which he believes the business of the country requires, and who does not know that the amounts will vary by hundreds of millions? But a third objection, stronger even than the last, is that such a currency possesses no power of adapting itself to the business of the country. Suppose the total issue should be five hundred millions, or seven hundred millions, or any amount you please; it might be abundant for spring and summer, and yet, when the great body of agricultural products were moving off to market in the fall, it might be totally insufficient. Fix any volume you please, and, if it be just sufficient at one period, it may be redundant at another, or insufficient at another. No currency can meet the wants of this country unless it is founded directly upon the demands of business, and not upon the caprice or the political selfishness of the party in power.

What regulates now the loans and discounts and credits of our national banks? The business of the country. The amount increases, decreases, or remains stationary, as business is fluctuating or steady. This is a natural form of exchange, based upon the business of the country, and regulated by its changes. And when that happy day arrives when the whole volume of our currency is redeemable in gold at the will of the holder, and is recognized by all nations as equal to money, then the whole business of banking, the whole volume of currency, the whole amount of credits, whether in the form of checks, drafts, or bills, will be regulated by the same general law, — the business of the country. Business is like the level of the ocean, from which all measurements of heights and depths are made. Though tides and currents may for a time disturb, and tempests vex and toss its surface, still, through calm and storm, the grand level rules all its waves, and lays its measuring-lines on every shore. So our business, which, in the aggregated demands of the people for exchange of values, marks the ebb and flow, the rise and fall, of the currents of trade, forms the base-line from which to measure all our financial legislation, and is the only safe rule by which the volume of our currency can be determined.

But there is another point to which I desire to call attention. Whatever may have been our opinions and wishes hitherto, since this session began, the Supreme Court of the United

States have made a decision which adds a new and important element to this question. The court has declared that the legal tender notes are not, and cannot be made, a legal tender for debts contracted before their issue. Now, I ask gentlemen to remember that my friend from Illinois,[1] who is the champion of greenback issues on this side of the House, realized at once the importance and effect of that decision; for, within two or three days after the decision was announced, — I believe it was the very next day, — he proposed an amendment to the Constitution of the United States, providing that it should be lawful for Congress to authorize the issue of Treasury notes, and make them a legal tender in the payment of all debts; thereby admitting that he believed such an amendment necessary, in order that such an issue could be made. Gentlemen may say that we can issue these paper notes, omitting the legal tender provision. But does any one think it wise or safe to add another element of distraction and uncertainty to our currency, in the form of a new note not receivable for old debts, or indeed for any debts, except as the parties may agree? I call the attention of gentlemen to the difficulties in the way of such legislation, in view of the late decision of the Supreme Court.

MR. INGERSOLL. Do I understand the gentleman from Ohio to assume that the Supreme Court have decided that it was not within the power of Congress to make a legal tender that would be valid for pre-existing debts, and that they did not stop when they decided that Congress had not done so by the act under which the legal tenders were issued?

The court decided in unmistakable terms that such a power did not reside in Congress. Nay, the decision went much further than this. The line of reasoning pursued by the court leads us to the belief that, when the proper case arises, that tribunal, unless its opinion shall have been changed by adding to its members, will decree that paper notes cannot be made a legal tender by act of Congress. Indeed, the argument in the dissenting opinion was, that a legal tender could be defended only as a necessary means of carrying on war; that it was a war measure, based on the war power of the Constitution. Now, all the departments of the government have decreed that, on the 10th of August, 1866, the war had ended.[2]

[1] Mr. Ingersoll.

[2] The case referred to above is that of Hepburn *v.* Griswold, 8 Wallace, 604, in which it was decided, December, 1869, three judges out of seven dissenting, that the

Mr. Speaker, with this condition of things before us, will this House of Representatives venture to embark again on the boundless sea of irredeemable paper money, to be issued by the direct authority of Congress?

But I must hasten to consider the second object of the bill, — namely, free banking on a gold basis. It may be urged that this provision will not now be used. If it should not, still it will stand in the law, beckoning and inviting the country to specie payments. But I am assured by many gentlemen from the Pacific coast that banks will be there established on a gold basis. I am assured, also, that in the cities of Charleston and New Orleans, and to some extent in the city of New York, where the international trade is conducted in gold, such banks will soon be established. My friend near me, from Texas,[1] says that in his State they will be established. All the circulation issued under this clause of the bill — and I call the attention of my friend from Illinois[2] to that fact — will be an absolute increase of the currency. I am assured in the strongest terms that such banks will be established.

There is another consideration which I desire to present to the House, and it is this. We are not permitted to choose between banks and no banks. We are not permitted to choose between a national banking system, and a greenback system managed immediately by the officers of the Treasury. The national banks exist now only because they occupy the field, and the ten per cent tax on State circulation prevents the issue of State bank notes. If we abolish the national banks, and undertake to conduct the business of this country by issues of greenback currency, the influence of the State banks and of banking capital will soon compel the repeal of the ten per cent tax; and then will spring up again all the wild-cat banks against which the gentleman from Illinois[2] declaimed so eloquently a few days ago.

We are shut up, in my judgment, to one of two things: either to maintain, extend, and amend the present national banking

clause in the acts of 1862 and 1863 which makes United States notes a legal tender in payment of all debts, public and private, in so far as it applies to debts contracted before the passage of those acts, is unwarranted by the Constitution. In the legal-tender cases, Knox *v.* Lee, and Parker *v.* Davis, 12 Wallace, 457, decided January, 1872, the court having been reorganized, this decision was overruled, four judges out of nine dissenting, and the constitutionality of the clause as applying to debts contracted both before and after the passage of the acts was affirmed.

[1] Mr. Degener. [2] Mr. Ingersoll.

system, or to go back to the old system, under which every State was tinkering at the currency, without concert of action, uncontrolled by any general law. Then banks were established under the laws of twenty-nine different States; they were granted different privileges, subjected to different restrictions, and their circulation was based on a great variety of securities, of different qualities and quantities. In some States, the bill-holder was secured by the daily redemption of notes in the principal city; in others, by the pledge of State stocks; and in others, by coin reserves. But as State stocks differed greatly in value, all the way from the repudiated bonds of Mississippi to the premium stock of Massachusetts, there was no uniformity of security, and the amount of coin reserves required in the different States was so various as to make that security almost equally irregular. It required the study of a lifetime to understand the various systems. There were State banks with branches, independent banks, free banks, banks organized under a general law, and banks with special charters. They represented all varieties of condition and credit. They were solvent, suspended, closed, wound up, broken, according as the fluctuations of trade, and the wisdom or folly, the honesty or rascality of their managers, dictated. Their notes had no uniformity of value, and nearly all of them — especially those of the West and South — lost heavily in current value when carried beyond the limits of the State. Examine a Bank-Note Reporter for 1862–63, and consider the mass of trash there set down as the paper currency of the country.

In November, 1862, the circulation of bank paper in the loyal States was $167,000,000. The State securities for this amount were only $40,000,000, leaving over $120,000,000 inadequately secured. In only nine of the States did the law require the circulation to be secured by State bonds. In the State of Illinois, from 1851 to 1863, the failures of banks numbered eighty-nine, and their paper ranged from thirty-eight per cent to one hundred per cent below par. Of the $12,000,000 of bank circulation in Illinois, the people lost two or three millions directly, besides the indirect loss of as many millions more by derangement of business and ruin to private interests. Of ten suspended banks in Minnesota, the notes were redeemed at an average of less than thirty cents on the dollar. Of thirty-six broken banks of Wisconsin, only six redeemed their notes at so high a rate as

eighty cents on the dollar. Even as early as 1860, a time of great commercial prosperity, the official report of only eighteen States showed 147 banks broken, 234 closed, and 131 worthless. Such was the condition of 512 banks; the whole number in those States being 1,231.

But there was one kind of paper issues which must not be overlooked,—the vast circulation issued by counterfeiters. There were in circulation in 1862 about seven thousand different kinds of notes issued by the fifteen hundred banks. From statistics carefully compiled, it was ascertained that there were in existence, that year, over three thousand kinds of altered notes, seventeen hundred varieties of notes ostensibly issued by banks having no existence, and over eight hundred varieties of imitations. Thus it appears that there were more than five thousand five hundred varieties of fraudulent notes in circulation; and the dead weight of all the losses occasioned by them fell at last upon the people, who were not expert in such matters. There were in 1862 but two hundred and fifty-three banks whose notes had not been altered or imitated.

Let it be remembered that for nearly half a century a large part of the revenues of the general government were received in the notes of these State banks, in all stages of discredit and depreciation, and with all the attendant risks of counterfeited and altered bills. It is a fact worthy of remembrance, that in 1819 the Secretary of the Treasury was compelled to borrow $500,000 to meet a foreign debt of that amount; and at that moment there was $22,000,000 surplus funds in the treasury, out of which he could not cull enough current funds to meet the demand.

In obedience to a resolution of Congress, adopted January 7, 1841, the Secretary of the Treasury made a report, showing that from 1789 to 1841 three hundred and ninety-five banks had become insolvent, and that the aggregate loss sustained by the government and people of the United States was $365,451,497. The report also showed that the total amount paid by the people of the United States to the banks, for the use of them, during the ten years preceding 1841, amounted to the enormous sum of $282,000,000.

Startling as these figures are, they fall far short of exhibiting the magnitude of the losses which this system occasioned. The financial journals of that period agree in the following estimate of the losses occasioned by the revulsion of 1837.

On bank circulation and deposits	$54,000,000
Bank capital, failed and depreciated	248,000,000
State stock depreciated	100,000,000
Company stock depreciated	80,000,000
Real estate depreciated	300,000,000
Total	$782,000,000

The State bank system was a chaos of ruin, in which the business of the country was again and again ingulfed. The people rejoice that it has been swept away, and they will not consent to its re-establishment. In its place we have the national bank system, based on the bonds of the United States, and sharing the safety and credit of the government. The notes of these banks are made secure: first, by a deposit of government bonds worth at least ten per cent more than the whole value of the notes; secondly, by a paramount lien on all the assets of the banks; thirdly, by the personal liability of all the shareholders to an amount equal to the capital they hold; and fourthly, by the absolute guaranty of the government to redeem them at the national treasury if the banks fail to do so. Instead of seven thousand different varieties of notes, as in the State system, we have now but ten varieties, each uniform in character and appearance. Like our flag, they bear the stamp of nationality, and are honored in every part of the Union.[1] Now, I do not speak for the banks; I have no personal interest in them; but I speak for the interests of trade and the business of the country, which demand that no measure shall pass this House which may rudely shock them.

The $25,000,000 of circulation which is to be redistributed, and the redistribution of which is not likely soon to be required, will be taken, when needed, from States having a great surplus. About $9,000,000 will come from the banks of New York that have over $1,000,000 of circulation each, and the balance will come from about eighty-four banks in three other States, which will still have a great excess over their proper proportion. I shall reserve for a later period in this discussion my remarks on the funding provisions of the bill embodied in the third, fourth, and fifth sections.

[1] The above paragraphs, in great part, are reproduced from the fuller discussion of American Banking, found in the speech delivered at Mount Vernon, Ohio, August 14, 1869. See *ante*, pp. 491 *et seq.*

ACCOMPANYING Mr. Garfield's pamphlet edition of this Speech were two tables. Only the totals of his groups of States are here given, not the States one by one.

A.

Banks of Issue in the United States, their Capital and Circulation.

	Population, 1860	State Banks in 1861.			National Banks, Oct. 1, 1869.		
		No.	Capital.	Circulation.	No.	Capital.	Circulation.
Eastern States [1] . . .	3,135,283	506	$123,706,708	$44,991,285	491	$150,883,632	$104,509,919
Middle States [2] . . .	8,258,150	488	160,085,360	52,873,851	587	192,304,068	126,817,401
Southern States [3] . .	4,490,359	147	56,282,622	39,552,760	47	8,066,600	5,929,330
Southwestern States [4]	6,040,670	143	64,051,611	34,770,185	56	15,135,600	9,159,415
Western States [5] . . .	7,939,229	319	26,576,612	29,987,086	428	63,703,710	50,983,321
District of Columbia and Territories [6] . .	160,598	. .	. . . .	. . . .	10	2,050,000	2,486,071
Grand total . . .	30,024,289	1,603	430,702,913	202,175,167	1,619	432,163,610	299,885,257
Specie in banks in 1861							$87,675,099
Specie in banks in 1869							23,002,405

B.

Showing the Apportionment of Circulation under the existing Law, the present outstanding Circulation of the different States and Territories, and what it would be under the Provisions of the pending Bill.

	Aggregate Apportionments.	Outstanding Circulation.	Circulation with the $94,500,000 added.	Circulation with the $94,500,000 added and $25,000,000 redistributed.	Amount of Circulation withdrawn by the Bill.	Amount of additional Circulation given and distributed under this Bill.
Eastern States [1] . . .	$45,528,000	$104,509,919	$104,509,919	$88,760,874	$15,749,045	. . . .
Middle States [2] . . .	94,918,500	126,817,401	126,817,401	117,646,887	9,250,955	$80,441
Southern States [3] . .	39,008,000	5,929,330	39,008,000	45,719,060	. . . .	39,789,733
Southwestern States [4]	58,633,000	9,745,840	58,633,000	68,717,876	. . . .	58,972,026
Western States [5] . .	60,196,500	51,201,321	62,961,612	70,942,105	. . . .	19,740,721
District of Columbia and Territories [6] .	1,684,500	1,586,071	2,283,571	2,426,701	. . . .	840,690
Grand total . . .	299,968,500	299,789,882	394,213,503	394,213,503	25,000,000	119,423,611

[1] Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.

[2] New York, New Jersey, Pennsylvania, Delaware, Maryland.

[3] Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida.

[4] Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Missouri, Texas.

[5] Ohio, Illinois, Indiana, Oregon, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Nevada, Nebraska.

[6] The Territories are Colorado, Utah, Montana, and Idaho, with the addition in the second table of Dakota, New Mexico, and Washington.

CURRENCY AND THE BANKS.[1]

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JUNE 15, 1870.

THE House of Representatives never came to a direct vote upon the bill discussed in the speech of June 7, 1870. June 8, pending the question, "Shall the bill be engrossed and read a third time now?" the House adjourned, the effect of which was to send the bill to the bottom of all the bills on the Speaker's table. Here it was impossible to reach it that session. But the Senate had sent a bill to the House, February 3, entitled, "An Act to provide a National Currency of Loan Notes, and to equalize the Distribution of Circulating Notes," and this bill had been referred to the Committee on Banking and Currency. June 9th, Mr. Garfield got the committee together, and procured action authorizing him to report the Senate bill, with an amendment in the nature of a substitute. This substitute contained the main features of the earlier House bill. Thus the whole subject was again brought before the House. Pending this second bill, Mr. Garfield delivered the following speech, which is here somewhat abridged.

MR. SPEAKER, — Few measures have had a more eventful career in the House of Representatives than the one that is now about to meet the fate of a final vote. Two days and an evening of stormy debate, and two more days of voting and manœuvring for and against it, have brought the bill to this hour in precisely the same shape in which it left the hands of the Committee on Banking and Currency. I shall not weary the House to-day with an elaborate speech, nor shall I reiterate any of the arguments hitherto advanced, demonstrating the necessity of passing this bill. I will first state the condition of

[1] Mr. Garfield gave this speech the title of "The Currency Debate."

the bill, the character of its leading provisions and of the pending amendments, and then review briefly some points made in the debate since I last addressed the House.

This substitute consists of four sections. She first section authorizes the issue of $95,000,000 of national bank notes to banking associations organized or to be organized in States that have less than their proper proportion, under the laws now regulating the distribution of national currency. It limits the circulation of any new bank to $500,000; and provides that, if one of the States having a deficiency shall not take the full amount to which it is entitled, other States in deficiency may take the balance. That is the substance of the first section.

The second section provides that on the first day of every month there shall be reported to the Secretary of the Treasury the amount of notes which has been issued under this act during the previous month; and that the Secretary of the Treasury shall immediately redeem and cancel an equivalent amount of the three per cent certificates until $45,500,000 shall have been cancelled.

Thus the inflation of the currency will proceed for one month, at the end of which time the cancelling of an equivalent amount of three per cent certificates will take place. This process is to continue until the $45,500,000 of the three per cent certificates is exhausted. As the bill stands, the process of issue and cancellation will then go on beyond the amount of the three per cents, until $95,000,000 of national bank notes shall have been issued, and $39,500,000 of legal tenders, in addition to the $45,500,000 of three per cents is cancelled.

At this point the committee allowed a member of the committee, the gentleman from Illinois,[1] to offer an amendment, which strikes out the clause requiring the cancellation of $39,500,000 of greenbacks. If the House shall agree to that amendment, the second section, in connection with the first, will authorize the issue of $95,000,000 of national bank notes, and the cancellation of $45,500,000 of three per cents. This will leave, according to the estimation of some, an inflation of $50,000,000; according to others, not so much; but according to all, an increase to some extent.

MR. COX. I would like to inquire of the gentleman what, in his judgment, would be the amount of the inflation under the substitute of the

[1] Mr. Judd.

committee, and what would be the effect as regards inflation of the amendment of the gentleman from Illinois.

Two different calculations have been made, which I will give. Ninety-five million dollars of national bank notes issued to the banks will require an average of twenty per cent of the same amount of greenbacks to be locked up in their vaults as a reserve to secure the circulation: twenty per cent of $95,000,000 is $19,000,000. It cannot be said, therefore, that there would be an inflation to the full amount of the difference between $95,000,000 and $45,500,000. It would be an inflation to the full amount of $95,000,000, according to that calculation, less $19,000,000, or an increase of $31,500,000.

MR. JUDD. I ask the gentleman in this connection to explain how the place of the three per cent certificates is to be supplied.

I will do so. The three per cent certificates, with the exception of two or three millions of them, have been held and are held as bank reserves in place of greenbacks. Therefore, when redeemed and cancelled, their place must be supplied by the actual deposit of greenbacks, dollar for dollar, in their place. Therefore, to cancel the $45,500,000 of three per cents is a direct contraction of the currency by just that amount. So the issue of $95,000,000 of national bank notes will be an inflation of $95,000,000 of money, minus $45,500,000 of three per cents, minus $19,000,000 of reserves required by it, which two together, subtracted from $95,000,000, leave $31,500,000 as the amount of inflation. This is one view. The other is that taken by my colleague on the committee,[1] who insisted in his speech that we must make allowance also for the reserves required to secure deposits; because the deposits of the new banks will require also an average of twenty per cent of greenbacks locked up as reserves to secure such deposits. As a rule, the deposits exceed in amount the total circulation. If we take the amount of deposits in the new banks at $100,000,000, and consider the reserves required to secure them as a contraction, we must add $20,000,000 more to the amount of virtual contraction, thus leaving the resulting inflation at $11,500,000. I give these as the two estimates. I think that the deposits and banking facilities developed by the bill will more than balance the contraction caused by the reserves to secure circulation and deposits. But

[1] Mr. Lynch.

as these new banks are to be distributed more in the rural districts than in the cities, it is presumed that their deposits will not be so great as the average of all the banks. That concludes all I desire to say concerning the second section.

MR. BURCHARD. I ask the gentleman from Ohio if there would necessarily be an increase of deposits by the creation of national banks. Would not these national banks take the place of the private bankers and brokers, and would there not be a transfer of the deposits from the latter to these new banking associations? I ask him also whether these private bankers do not keep an average reserve of deposits for their business equal to that required by law for these banking associations.

I do not suppose there will be so large an increase as though there were now no private banks; but there will doubtless be an increase of deposits from private hoards, and from merchants who have not made local deposits before.

MR. LAWRENCE. In the first section of the amendment I find these words: "The bonds deposited with the Treasurer of the United States to secure the additional circulating notes herein authorized shall be of any description of bonds of the United States bearing interest in coin." Would it not be better, in proposing to organize new banks, to require them to deposit such bonds as may hereafter be authorized, such bonds as may be provided for in a funding bill at this session?

My colleague will recollect that as this bill was first introduced it provided four and a half per cent bonds, and required the new banks to secure their circulation by depositing those bonds; but in view of the fact that the Committee of Ways and Means had lately introduced a funding bill, we did not consider it necessary to retain that provision here. When the funding bill comes up, the whole question will be open for discussion. We provide here for any bonds bearing interest in gold now in existence, or which may hereafter be authorized. It would be unjust to the new banks not to put them upon the same ground and grant them the same privileges as the old banks. It would be a class of vassal banks, with unequal privileges. I am sure such an injustice would create ill-feeling between the different sections of the country.

MR. HOOPER. I understood the gentleman to say that twenty per cent of the amount deposited in these banks would have to be reserved in greenbacks, and therefore this would in effect be so much contraction; and yet he states that probably all of these new banks would be

located in the rural districts. The banks in the country are required to reserve only fifteen per cent; and of that amount three fifths may consist of balances due from other banks.

The gentleman will remember that not all of these banks will be located in the country, though a great majority will be. Of course the cities of the West and South will receive a large share of this increase of circulation. And in banks in all the redemption cities the reserves must be twenty-five per cent. Twenty per cent on the whole is a fair average.

MR. HOOPER. I am under the impression that the required reserve in these banks would not exceed ten per cent in greenbacks.

I think I have understated the total amount of deposits. I think they would amount to more than $100,000,000, and that would probably counterbalance the statement of the gentleman.

The third section of the substitute provides that, after the $95,000,000 shall have been issued, if there be still a further demand for national bank circulation in States now having a deficiency, there may be withdrawn an amount not exceeding $25,000,000 from States in the East having an excess of circulation; that amount to be withdrawn from two classes of banks. First, from those having an outstanding circulation of over $1,000,000 each, the excess over $1,000,000 is to be withdrawn. That would take about $9,750,000 from banks in Boston, New York, and Baltimore. The balance of the $25,000,000 will be withdrawn from banks having a circulation of more than $300,000 each, in States having an excess of circulation. That will be taken from eighty-four banks situated in Massachusetts, Connecticut, and Rhode Island. If, after the $95,000,000 has been distributed, there shall be a call for more bank circulation in States now having less than their proper proportion, then $25,000,000 will be withdrawn from two classes of banks in the manner that I have suggested.

The fourth section of the bill provides that any bank in a State now having an excess of circulation may remove, with all its rights, privileges, and obligations unimpaired, into a State where there is a deficiency. This section is precisely as it passed the Senate. It would be compelled to locate with all the conditions and under all the guards and obligations that surround other national banks. We are frequently providing by special

act for the removal of some bank to another location. This section permits a class of banks, under peculiar circumstances and within limited restrictions, to change their location.

MR. BENTON. By the fourth section of the Senate bill free banking is provided upon condition of depositing national bonds, and redeeming their circulation in gold. Is there anything in the substitute corresponding to that provision? I am in favor of it.

In consequence of objections urged in the House, and not because the committee were willing to leave those provisions out, they have been omitted from the bill. I am myself in favor of free banking on a gold basis; and in the report of a committee of conference between the two houses we may have an opportunity to test the sense of the House on that point.

I have now stated in brief the provisions of the substitute reported by the committee, and the amendment offered by the gentleman from Illinois.[1]

I wish next to call the attention of the House for a moment to three amendments which are pending as additional sections. If the substitute of the committee, with or without the amendment of the gentleman from Illinois, shall prevail, the three amendments offered as additional sections will come up for action. The first, which is proposed by the gentleman from Iowa,[2] provides that no bank shall pay interest on deposits made by another bank. I will not stop to argue this matter; but it will be remembered that the Secretary of the Treasury, in his annual report,[3] calls attention to the fact that the banks of New York are now receiving interest on the deposits of other national banks, and recommends that the practice be forbidden. The Western banks send their surplus deposits to New York, where they receive interest upon them; and thus the country is drained

[1] Mr. Judd.

[2] Mr. Allison.

[3] The New York banks were compelled to loan "on call" those deposits on which they paid interest. The Comptroller of the Currency said: "If, then, New York banks pay interest on these deposits, they must, of course, use them, and, as they are payable on demand, they must be loaned on call. Call loans, as a rule, are made to brokers and operators in stocks and gold. Men engaged in trade cannot ordinarily afford to borrow money which they may be called upon to refund at an hour's notice. . . . . Call loans are a necessity when interest is paid on deposits. Competition for the accounts of country banks has led to the payment of interest. . . . . The fact that the reserves of the country are hawked on the street and are tendered and used for speculation is sufficient ground for interference of law." — Messages and Documents, (Washington, 1870,) p. 77.

of currency much more than it would be if such interest were not allowed. Without discussing the question, I simply call attention to the purpose to be accomplished by the amendment of the gentleman from Iowa.

The next amendment is that offered by my colleague on the committee.[1] It is, that when the banks receive the gold on their coupons from the bonds now deposited in the Treasury to secure their circulation, the gold or gold certificates thus accruing shall be placed in the vaults of the banks as a part of their reserve. This would have the effect of strengthening the banks preparatory to resumption, and also of liberating greenbacks, and to that extent would increase the active circulation of the country. It may be said, on the other hand, that to lock up this large amount of gold would tend to increase the premium. But it seems to me that the provision is a wise one, as tending to strengthen the banks and prepare them to redeem their notes in gold.

The proposition next submitted is the amendment of my colleague on the committee, the gentleman from Indiana,[2] to issue $44,000,000 of greenbacks to replace the three per cent certificates. I hope we shall not authorize a further inflation by the issue of $44,000,000 additional greenbacks. This proposition in its naked form we have voted down this morning by a decided majority, and I hope it will be voted down again.

I now call attention to the general course of debate on this bill, and to some of the doctrines announced.

Our Democratic friends do not seem to be ready to lead the country into green pastures and beside the still waters of financial peace. The distinguished gentleman from New York, my colleague on the Committee on Banking and Currency,[3] said: —

> "It is my deliberate judgment, after much study, that all your measures, even your most matured, are mere makeshifts, cowardly, timid, halting devices to avoid the one 'heroic remedy,' which this Congress has not had the skill or courage to apply, to wit, resume specie payments. You owe it to the people to give them back their gold and silver."

This bold declaration roused the enthusiasm of some of his Jacksonian and "Old Bullion" colleagues; and a little scene, touching and dramatic, took place in the neighborhood of the orator. I read again from the record: —

[1] Mr. Burchard. [2] Mr. Coburn. [3] Mr. Cox.

"MR. COX. Ah! I see that Pennsylvania has its ear open. [JUDGE WOODWARD bowed to the speaker; and MR. GETZ of Pennsylvania approached the seat of MR. COX, presenting him two gold twenty-dollar pieces.]

"MR. GETZ. Here is the Democratic currency, which Pennsylvania loves and longs after.

"MR. COX. I hear its chink. I see its beauty. I know it is precious. It reminds me of the better day of the republic, when the people knew what they had to 'deal with.'" [1]

But this sweet vision of peace and unity vanished when my Democratic colleague from the Mount Vernon district[2] took the floor. Turning to his specie-paying friend from New York, he said, scornfully, "Sir, this talk of returning to a specie basis while this debt hangs over us is a mere cheat, set afloat for the express purpose of deceiving the people." Rising in his noble rage above party, he denounced not only Congress, but the late Democratic Administration, for having reduced the currency in 1866 and onward. He said: "And all this, sir, has been done in the interest of banker and bondholder, and to the injury of the people. Why? Because scarcity of currency makes high interest and high rents, with low wages for the workman and low prices for the farmer."

Let us all stand rebuked for not having discovered before this how cruelly the people were wronged in having the volume of their paper money reduced in 1866, when its whole amount was only $900,000,000!

But my colleague was not content with rebuking evil. He determined to show himself the chief champion of the people, by relieving them of one of their most troublesome necessities, that of paying taxes. He therefore introduced a bill, which the House voted on yesterday, and with singular blindness voted down by a vote of about five to one. His bill recites in its second section the various philanthropic objects which its author had in view, among which is "to provide the people the means of paying their taxes." Generous man! How they will rise up and bless him when they learn of his noble bequest! His method of doing this is to set the printing-presses of the Treasury agoing, and print off $500,000,000 of greenbacks. Most people are so simple as to suppose that, if the Treasury should issue greenback notes, the Secretary would pay them out to

[1] Congressional Globe, June 7, 1870, Appendix, p. 439. [2] Mr. Morgan.

the creditors of the government; but it would seem, from the second section, that the $500,000,000 to be manufactured by my colleague will be distributed to those who owe debts to the government in the form of taxes. I suggest whether it would not be better to cancel the taxes directly, and thus save the expense of printing and presenting greenbacks to the people, and giving them the trouble to pay the gift back into the Treasury.

He proposes to abolish the national banks, and declares that this feature of his bill alone will save over $20,000,000 now annually paid as interest on the bonds deposited by the banks as security for their circulation. I am puzzled to know how my colleague makes this out, and still more puzzled to know how the abolition of the banks will abolish the bonds held for their circulation. Having begun this work of abolishing, why does he not take a step further, and abolish all the bonds, whether held by the banks or by citizens? His philanthropy ought to take a wider scope and accomplish this full measure of good for the people, and not stint his charity.

The courage and gallantry of my colleague is most touching. He revives the exploded theory of his distinguished friend, Mr. Pendleton; and in his hands it blossoms again into full life and vigor. I had supposed that the Pendletonian theory of finance had perished with the defeat of its author in the New York Convention of 1868. If not, the late decision of the Supreme Court must have finished it. The Democratic State Convention that recently met at Columbus, Ohio, lacked either the will or the courage to revive or indorse that theory. The arguments of my colleague and of the gentleman from Indiana[1] come up to us like voices from the tomb. These men still follow their old leader, and are the champions of the same greenbacks which Mr. Pendleton denounced in this chamber in the most unmeasured terms.[2]

It is manifest to my mind, that out of this remarkable pressure for more paper money have arisen nearly all the crude and conflicting opinions on financial questions with which Congress and the country have been afflicted during the last five years.

It is an incontestable fact, which all advocates of inflation are compelled to meet, that we now have a paper currency one hundred and fifty per cent greater in volume than the country

[1] Mr. Holman. [2] See Speech on "The Currency," *ante* p. 308.

had in 1860, a year of general prosperity, when free banking prevailed in many States, and the banks were issuing all the notes they could push into circulation. I have observed that, when men have determined on a given course of conduct, the reasons alleged therefor are frequently afterthoughts, and formed no part of their original ground of action. For example, what man, whose course of action was not already determined, would defend a further issue of inconvertible paper money by such a doctrine as this avowed by the gentleman from Indiana.[1] He says: —

"The gentleman who draws a distinction between money and the greenback as a promise to pay, merely plays upon words. The stamp of current value on gold or silver is regulated by law, its value is fixed by law; and, unless restrained by the Constitution, the law-making power of this country can fix that monetary value, the quality of legal tender, as well upon paper as upon gold and silver. In the one instance as well as in the other, the representative value is fixed by law, and this is clearly true while gold and silver are the common representatives of value throughout the world; but as lawful money in the United States, gold and silver and the United States note alike depend on the law of the land for their value."[2]

If this doctrine be true, there can be no such thing as an absurdity. If this be true, then an ounce of silver coined into fifty pieces will have five times the value of an ounce coined into ten pieces. A piece of gold stamped into the shape of a half-eagle may be worth twice as much as the same piece stamped into the shape of a spoon. My friend is so dazzled with the "guinea stamp" that he forgets that the gold is the money "for a' that."

Could anything but a predetermined purpose to defend, maintain, and increase our irredeemable paper money, lead so able and distinguished a statesman as the gentleman from Pennsylvania[3] to say, as he did the other day, concerning the greenback currency: "Beyond the sea, in foreign lands, it fortunately is not money; but, sir, when have we had such a long and unbroken career of prosperity in business as since we adopted this non-exportable currency?"

It is reported of an Englishman who was wrecked on a strange shore, that, wandering along the coast, he came to a gallows with a victim hanging upon it, and that he fell on his

[1] Mr. Holman.
[2] Congressional Globe, June, 8, 1870, p. 4237.
[3] Mr. Kelley.

knees and thanked God that he at last beheld a sign of civilization. But this is the first time I ever heard a financial philosopher express his gratitude that we have a currency of such bad repute that other nations will not receive it; he is thankful that it is not exportable. We have a great many commodities in such a condition that they are not exportable. Mouldy flour, rusty wheat, rancid butter, damaged cotton, addled eggs, and spoiled goods generally are not exportable. But it never occurred to me to be thankful for this putrescence. It is related in a quaint German book of humor that the inhabitants of Schildeberg, finding that other towns, with more public spirit than their own, had erected gibbets within their precincts, resolved that the town of Schildeberg should also have a gallows; and one patriotic member of the town council offered a resolution that the benefits of this gallows should be reserved exclusively for the inhabitants of Schildeberg. The gentleman from Pennsylvania would reserve for our exclusive benefit all the blessings of a fluctuating, uncertain, and dishonored paper currency. In his view, this irredeemable, non-exportable currency is so full of virtue, that for the want of it California is falling into decay. That misguided State has seen fit to cling to the money that all nations receive, and ruin impends over her golden shores. I doubt if the business men of California will ask my friend to prescribe for their financial maladies.

Quite in keeping with the gentleman's other opinions on this subject is the following. He says, "The volume of currency does not, as has often been asserted, regulate the price of commodities." According to this, we have not only a non-exportable currency, but one regulated by some trick of magic, so as to defy the universal laws of value, of supply and demand, and such that neither the increase nor decrease of its volume can affect the price of commodities. Argument on such a doctrine is useless.

Mr. Speaker, I regret to see that it is the manifest opinion of this House that there shall be an increase in the volume of our paper currency. As to the amount, there are differences of opinion. The figures range all the way from the $50,000,000 asked for in the pending amendment of my colleague on the committee,[1] to the boundless inflation asked for by the gentleman from Illinois,[2] who wishes to authorize the Secretary of the

[1] Mr. Judd. [2] Mr. Ingersoll.

Treasury to issue what his inventive genius calls "coined paper dollars," whatever that may mean. My colleague from Ohio[1] has been kind enough to intimate to the country what the features of his inflation policy will be. He says: —

"I believe we ought to have more currency, either by new banks or bonds at a reduced rate of interest, or by an issue of $50,000,000 of greenbacks, and then, when the outstanding five-twenty bonds should be funded at a lower rate of interest, I would annually increase the issue of currency, not by any unreasonable inflation, but so that the currency should only keep pace with the increase of population and business, without any inflation, and then gradually come to the resumption of specie payments." [2]

This offers a pleasant prospect to the American people. He would have us issue $50,000,000 now, and afterward make a reasonable increase annually to keep pace with the increase of population, and then gradually come to specie payments! How does my colleague hope to accomplish this? On the doctrine that "what goes up must come down," he must see that there will come an end to this process of inflation, and that his resumption will consist in coming down from high prices and fluctuating values to the solid basis of real value, to the money of the world. He tells us, in conclusion, what would be the outcome of his plan if continued to the end of the present century. He says: —

"In thirty years from this time our population will reach over a hundred millions, and, by the means I have suggested, at the close of this century the whole bonded indebtedness of the country may be taken up and exist only in the form of greenback currency receivable in payment of all public dues.

"No dollar of tax need be levied on the people to pay the principal of the debt in the mean time, but it ought to be funded at a lower rate of interest as speedily as may be found practicable. When the business and population of the country will require the whole debt to exist in the form of currency, if 'a national debt' shall not be 'a national blessing,' it will be an evil out of which some good at least may come." [3]

I ask, Mr. Speaker, whether this Congress will thus, by a new issue of paper money poured out upon the country, check the current that for several months has been setting so strongly towards specie payments, — check the downward tendency of

[1] Mr. Lawrence.

[2] Congressional Globe, June 8, 1870, p. 4234.

[3] Ibid., p. 4234.

gold, — check the gradual subsidence to old prices and solid values, and thus plunge the country back again into the uncertainty and confusion that are inseparable from a redundant and inconvertible paper currency? This House may well heed the words uttered by the gentleman from Pennsylvania[1] when he said: —

"It is shown, to my mind, that we now have a sufficient volume of circulation for all business purposes. I fear, for our own prosperity, too much. We certainly have all that is necessary. Whenever in our past history we have approached near our present amount, disaster and bankruptcy have followed in the wake. This state of things occurred, as I have shown, in the years 1837–38 and 1857–58."[2]

I counsel no act that will depreciate the currency of the country. If this bill, as reported from the committee, be passed, it will not cause inflation, but it will relieve the West and South, and it will remove from the national banks one of their most odious features, the present distribution of their capital and circulation. The West and South are in a condition that cannot and will not be ignored. They must have relief. They must have increased facilities for credit. We cannot give them relief by the passage of a bill which will redistribute the circulation by taking it from the East, and giving it to the West and South, without a serious shock to business. This House cannot, with safety or honor, authorize an increase of the greenback currency. The only safe and practical mode of relief is to increase the national bank circulation. By doing this, and getting rid of the three per cents, as this bill provides, we shall afford the needed relief.

[1] Mr. Randall. [2] Congressional Globe, June 8, 1870, p. 4225.

CURRENCY AND THE BANKS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 29, 1870.

ON June 15, the committee's substitute for the Senate bill passed the House.[1] The Senate refused to concur in the substitute, and the subject went to a committee of conference. In submitting the conference report, June 28, Mr. Garfield made a lengthy statement of the questions at issue between the two houses, and of the compromise agreed upon. The next day he made his third speech upon the measure, now in advocacy of the conference committee's report. This report failed; but a second one succeeded, and the President's signature made the measure a law, July 12. The first section of this act authorized the issuance of $54,000,000 of national bank notes in addition to the $300,000,000 already authorized, said amount to be furnished to banking associations organized, or to be organized, in those States and Territories having less than their proportion of the bank-note circulation under the old apportionment. The second section directed the Secretary of the Treasury, at the close of each month, to redeem and cancel an amount of three per cent temporary bond certificates, issued under the laws of 1867 and 1868, not less than the amount of bank notes so issued during the month. Sections 3, 4, and 5 provided for the organization of gold banks, subject to the general provisions of the National Banking Acts, but redeeming their circulation in gold instead of in lawful money. Sections 6 and 7 authorized a new distribution of national bank circulation, based upon the census of 1870, to the extent of withdrawing $25,000,000 of circulation from the States and Territories having more than their proportion, and giving it to those having less.

This act came to hold an important place in subsequent financial discussion and legislation. Practically, it neither expanded nor contracted the currency. But it gave those sections of the country that were most clamorous for "more money," the West and South particularly, an opportunity to add materially to their banking and currency facilities. Still the people of these sections did not come forward to claim the proffered advantages. New banks were not promptly organized, the bank-

[1] See Introductions to Speeches of June 7 and June 15.

note circulation was not rapidly increased, and the national banks continued preponderatingly in the East. All this confirmed what Mr. Garfield had long told the clamorers for more money, — "The trouble is, not that you need more money, but more capital." For years the most telling reply that could be made to Western inflationists was, Why did you not more promply claim the banking facilities held out to you in the act of July 12, 1870? There was no answer; the law was a *reductio ad absurdum* of the inflation cry. Besides, it took away from the banks their most inequitable legal feature, — the inequality of the distribution of capital.

MR. SPEAKER, — I ask the indulgence of the House while I review some of the criticisms made on this conference report. I desire to call attention first to the remarks of several gentlemen concerning the conferees themselves, and particularly in reference to myself. The criticisms of the gentleman from Illinois[1] and of the gentleman from Indiana[2] seem to carry the implication that I am an improper person to be put on a conference committee on the subject of currency, because I differ from the House in regard to an increase of the currency. If the criticism be just, then the Speaker should not appoint a member upon a conference committee who holds any other opinion than that held by the House. I have taken it for granted that a respectable minority of the House were to be represented upon a conference committee, and this is the first time I have ever heard it intimated that such an appointment is improper. The gentleman from Illinois has attempted to ridicule the idea that a member is capable of representing the wishes of the House where they are not exactly his own. Is the gentleman a lawyer, and has he never undertaken to represent the views and interests of a client whom he did not in all respects indorse? When he has undertaken to defend a criminal, has he always taken upon himself all the responsibility for the crime? Has he never represented the views of others without himself absorbing and impersonating all their beliefs and aspirations? If he has done such a thing as that, I think he will see sufficient reason why it may be proper that a man should be on a conference committee who does not entirely concur with all the sentiments of the body that he represents. I do not choose to consider any of these criticisms as personal to myself; I presume they were not so intended; I will not

[1] Mr. Judd. [2] Mr. Coburn.

think so meanly of any of these gentlemen as to suppose they are influenced by mere personal jealousy in so small a matter; I speak only of the principle involved in their criticisms.

And now what assault is made on the report itself? Mr. Speaker, there seems to be one point about which several gentlemen have great difficulty, and that is the allegation that this report authorizes a contraction of the currency. I call the attention of the House to the remarkable spectacle presented by two able and worthy gentlemen, representatives from Pennsylvania,[1] who now sit here beside me, both of them actually engaged in national banking, and therefore practically understanding the system. One of them made a speech within the last hour opposing the report, because it authorizes contraction; and the other, ten minutes ago, in a speech of great clearness and force, opposed it because it is a measure of great inflation. These two gentlemen from the same State, gentlemen of equal respectability and ability, have demonstrated clearly to their own minds, one that the bill does not permit inflation, the other that it does not permit contraction. It is perhaps as high a compliment as can be paid the bill, that it is clearly proved by one of these gentlemen that it is not contraction, and clearly proved by the other that it is not inflation. And that is precisely the conclusion which the conferees of the two Houses were compelled to reach, considering the conflict of opinion of the two bodies that they represented.

Now my distinguished colleague[2] on the Committee on Banking and Currency says that the $95,000,000 bill which passed the House was not only not expansive, but if there had been an issue of $44,000,000 of greenbacks in addition to the $95,000,000 bill, as he wanted, even then it would have been an inflation of only $18,000,000. According to that gentleman, the $95,000,000 bill was, therefore, a contraction to the extent of $22,000,000.

MR. COBURN. The gentleman's arithmetic is not good. That was not the basis of my calculation.

I think I have stated correctly the case as it was put by the gentleman from Indiana. But the gentleman from Illinois[3] admits that the $95,000,000 bill, as it passed the House, was an inflation to the extent of $31,000,000. So there is another calculation for you! The other gentleman from Illinois[4] says no

[1] Mr. Armstrong and Mr. Townsend.
[2] Mr. Coburn.
[3] Mr. Ingersoll.
[4] Mr. Judd.

man can show that the contraction resulting from the conference report is less than $18,000,000. To that challenge I respond. If I can have the attention of the House for about three minutes, I will try to state three propositions from which I think no member here will dissent. Those who say that this bill is a contraction of the currency, neglect to notice or deny three things.

First, they neglect to notice the error in the statement that the $45,000,000 of three per cents are all a fixed part of the currency, and that to redeem them is actually to contract a fixed and certain portion of the currency. That is the first point. Now I wish to call the attention of the House to a fact which I believe has been wholly overlooked in this debate. What are the three per cents? They are a loan of the government, payable on demand, and are being paid every day. Refuse to pass this bill, and the three per cents will nevertheless be redeemed. They are being redeemed every day. The official statement of the debt in October, 1868, showed that there was then outstanding $59,000,000 of the three per cents. Pass on to the statement of the debt in January, 1869, and you find the amount reduced to $52,000,000. Pass on to July, 1869, and you find the amount reduced to $49,815,000. Take the statement of April last, and you find that they amounted to little more than $45,000,000. In the last twenty months, the three per cents have been reduced by the redemption of over $14,000,000; and the reduction is still going on. The men who hold them can demand their redemption any day. It has been and is the policy of the Secretary of the Treasury, at least so far as can be judged from his acts, to redeem and cancel them, and he needs no law to enable him to do so. Now the House can reject this bill if it pleases, but the three per cents are going to disappear any way, unless we pass a law to forbid it, and I think that is not likely to happen.

MR. COBURN. I desire to ask the gentleman what probability he thinks there is of a banker surrendering the three per cent certificates held by him?

In reply to my colleague's question, I point him to the fact that $14,500,000 of three per cent certificates have been surrendered by bankers within the last twenty months, and that there is constantly going on a redemption of them without reissue. The government has a right to redeem them, and the people have a right to present them for redemption at any hour. That

is the fact. And yet all these wise financial gentlemen utterly ignore — perhaps I should say do not know — that fact when they talk of the three per cents as if they were greenbacks, and a fixed portion of the currency. Now, I may be called a theorist, but here are some facts for gentlemen to consider.

Again, whenever there is a panic in the country the holders of these three per cent certificates bring them into the Treasury and get currency for them. Why? Because they cannot be used as currency except as reserves by the banks. When the panic occurred last September, $7,000,000 of three per cent certificates leaped out of the banks, and were either exchanged for currency or were used as collaterals to borrow money upon; and while thus used they formed no portion whatever of the reserves of the banks, and therefore performed no function of currency. There has been for the last eighteen months, on an average, $3,000,000 of three per cent certificates that have not been used as bank reserves, and that therefore have in no respect performed the functions of currency. And yet every gentleman who has argued that this bill is a measure of contraction has persistently, with ears stopped and with dust in the air around him, ignored the fact that $3,000,000 of these three per cent certificates are not to-day, and never have been in any sense, a portion of the currency of the country.

My second point is, that thus far everybody who claims that this bill is a measure of contraction has said or assumed that, if the three per cents are retired, their entire volume will be supplied by greenbacks, taken out of the active circulation of the country and placed in the banks as reserves. Now this I deny, with the most absolute assurance of the correctness of my denial. Why? The national banks now hold $55,000,000 more of reserves than they are required by law to hold. If you take up the three per cent certificates, now a part of their reserves, the result will be that the banks will hold less surplus reserves. They will not reach out into the country and call in $45,000,000 of active circulation to supply the place of these three per cent certificates. They will simply reduce the volume of their surplus reserves; and to that extent the retiring of the three per cent certificates will not affect the active volume of the currency at all.

But assume, for the sake of argument, that every dollar of the three per cents now used by the banks as reserves will be replaced by greenbacks taken directly from the active circulation

of the country. Then the gross contraction will amount to $42,000,000, and not one dollar more; because that is the amount of the three per cents now used by the banks as a portion of their reserves. You will then contract $42,000,000 and issue $45,000,000.

We are told that for the $45,000,000 to be issued there must be twenty per cent, or $9,000,000, of greenbacks locked up as reserves with which to redeem them. Granted; but I reply that all the gentlemen ignore another fact which I propose to notice, that in starting new banks with a circulation of $45,000,000, in portions of the country which are now destitute of banking facilities, we shall thereby largely increase the credit currency of the country, to the full extent of the checks, drafts, &c. which will be issued and passed from hand to hand by these new banks in the settlement of debts. This incontestable fact these gentlemen ignore; not one of them even attempted to answer it. On the contrary, the gentleman from Pennsylvania[1] has expressed with great force his conviction that therein inflation is provided for by this bill.

Now, there is another fact to which I wish to call attention, the last of these ignored facts that I propose to notice. All the gentlemen who have figured out a contraction in this bill have entirely ignored the fact that every dollar of circulation that will be issued under the provision for free banking upon a gold basis will be an absolute addition to the present volume of the currency. They fix their eyes on what they call the contractive features, and utterly ignore the fact to which I have just alluded. No gentleman, I think, will venture to deny what all the Representatives of the State of California, so far as I know, assert, that if this bill is passed gold banks will immediately be organized on the Pacific coast. The Assistant Comptroller of the Currency, in a statement which I received from him this morning, says that if this bill be passed California will probably not take her share of the $45,000,000; that she will, instead, establish banks on a gold basis. This is what will be done generally on the Pacific coast. New Orleans also will start gold banks; so, I have no doubt, will Charleston.

Now I have here a table showing where the $45,000,000 issued under the first section of this bill will go. When gentlemen say there will be no redistribution under this bill, I call their attention to this table. The gentleman from Indiana[2]

[1] Mr. Townsend. [2] Mr. Coburn.

says that he wants a general redistribution, one that shall reach the whole body of our banking circulation, — which shall do full justice between the East and the West, the North and the South. I will remind him that last winter he tried to get through this House a bill for redistribution, general and sweeping in its character; but it was impossible to pass it. I remind him of the further fact, and it is an important one, that should he attempt to redistribute the whole body of our banking currency, taking, for example, $36,000,000 from Massachusetts, $12,000,000 from Rhode Island, as much more from Connecticut, and $15,000,000 or $20,000,000 from the city of New York, it is alleged there would follow a severe shock to the business community. Anxious to avoid such a shock, the conferees on the part of the Senate and the House thought that there could safely be issued $45,000,000 in lieu of the three per cent certificates, which are to be taken up at any rate. In order that the withdrawal of these three per cent certificates may not operate as a contraction of the currency, we have thought best to provide for putting into circulation in their place $45,000,000 of bank notes, to be distributed to the South and West. But as that amount will not give those sections of the country their proper proportion, it is proposed that $25,000,000 in addition shall be taken, as it may be required, not violently, but after due notice, from the States having an excess, and shall be distributed to them. I ask the Clerk to read the table to which I have referred, showing what will be the distribution of the $45,000,000 provided for in the first section of the bill.

The Clerk read the following table, showing the States which will be entitled to the $45,000,000, under the proposed legislation, together with the amount to be issued to each State: —

States and Territories.	Amounts.	States and Territories.	Amounts.
Virginia	$4,095,863	Georgia	$3,900,638
West Virginia	381,494	North Carolina	3,415,696
Illinois	899,689	South Carolina	3,514,210
Michigan	655,680	Alabama	3,401,185
Wisconsin	1,765,039	Oregon	134,401
Iowa	567,832	Texas	1,693,581
Kansas	145,601	Arkansas	1,212,994
Missouri	2,500,469	Utah	48,613
Kentucky	3,876,321	California	1,431,230
Tennessee	3,609,982	Florida	455,391
Louisiana	4,521,223	Dakota	12,868
Mississippi	2,483,574	New Mexico	231,627
Nebraska	5,480	Washington Territory	39,319
		Total	$45,000,000

Mr. Speaker, it will be observed there is $45,000,000 to be divided among twenty-six States, in many of which there is not a single national bank, and in others only one or two, while the Southern States, which have been restored to the Union since the war, have not one dollar of banking circulation where they had ten before the war. If we hope to thrive by perpetuating the great wrong done to the South and many portions of the West by refusing this distribution, gentlemen must take the responsibility. I have done what I could to remedy the evil.

Gentlemen who have spoken look upon this relief as mean and insignificant. Do they suppose that more than $45,000,000 can be taken by these States before next winter? If we were to vote $100,000,000 to be distributed in these States, it is not possible that they can take up more than $45,000,000 before we will be back here again in session. Here is a measure of great and immediate relief to the South and West; yet there are gentlemen here from the West who say that it is so small, so mean, that they do not deign to accept it. It is easy for the Senate, easy for this House, to kill this bill; but I point you to the consequences. For my own part, I am quite willing to let these gentlemen fight it out among themselves. If they finally reject this bill, they will probably get nothing. Because I desire the permanence of our banking institutions, because I desire the injustice of the present distribution to be removed, I desire the passage of this bill. I cannot understand why the gentlemen from the West who are interested in it should vote against it. The State of Ohio will not get one dollar under its provisions, while the State of Illinois will get nearly $1,000,000 out of the $45,000,000. I dare not on my responsibility here deny to the South and the West the measurable relief which this bill affords.

Mr. Speaker, there has been an opposition to this bill from the start on the part of the bankers of New York City; naturally enough, they do not want any reduction of their circulation. Most of the $55,000,000 of bank reserves is held in the banks of that city. Take away the three per cents, and this New York surplus will be reduced, and bankers will lose the interest on their reserves. I am not surprised that gentlemen from that city should oppose this report, but I am very much surprised that it should be opposed by members representing the West. It has been opposed very persistently by the gentleman from

New York; [1] but I have no doubt he is in perfect accord with the opinions of his constituents. I am surprised when gentlemen from the West assail this proposition, which gives them $45,000,000 of circulation, as a mean thing that ought not to be tolerated by the House.

[Here ensued a colloquy between Mr. Butler and Mr. Garfield; the latter proceeded.]

I do not expect any man who holds that we may stamp paper and call it money, and it will be money, — who talks of gold and silver money as relics of barbarism, — I do not expect any such financial genius to vote for this bill or any other that Congress will adopt. But the gentleman from Massachusetts [2] has a follower in his new doctrines. The gentleman from Illinois [3] has invented a novelty in the literature of finance, if not in currency, and he also desires that this bill shall not pass. He wants "coined paper dollars." Those are his words. "Coined paper dollars!" Put it down in the dictionary. We are now to have a mint striking off a new coin made of paper! The gentleman says he is in favor of a cheap kind of money, and in his speech made some three weeks ago, and printed in the Globe yesterday, he tells us what he means by cheap money. He says some kinds of money are dear, and some cheap, and the cheap money which he loves is that on which the interest is low. That is his supreme test. Any kind of money on which interest is low is cheap! Suppose you make your money of cabbage leaves. At the end of the year, for every one hundred cabbage leaves you had borrowed, you would pay back three cabbage leaves as interest. That would be low enough interest, and, according to the gentleman, that would be cheap money.

[1] Mr. Cox. [2] Mr. Butler. [3] Mr. Ingersoll.

JOSHUA R. GIDDINGS.

ADDRESS DELIVERED AT JEFFERSON, OHIO, JULY 25, 1870, AT THE DEDICATION OF THE GIDDINGS MONUMENT.

FELLOW-CITIZENS, — We have met to dedicate a monument to the memory of Joshua R. Giddings. The task you have assigned to me might be more fittingly performed by some one who was more fully his contemporary, and a more immediate sharer of his labors. But you have asked me to address you, and I thank you for being permitted to join in the ceremonies, and to call to your affectionate remembrance the man who was so long your leader, neighbor, and friend.

Beautiful and appropriate as is the monument you dedicate, its chief importance is what it signifies, rather than what it is. The vast pyramids of Egypt remain as material wonders, but their significance is lost. They teach no such impressive lesson as the simple gray slab which travellers look at through the chinks of the brick wall that surrounds a graveyard in Philadelphia. That slab means all that we love and reverence in Benjamin Franklin. Monuments may be builded to express the affection or pride of friends, or to display their wealth, but they are only valuable for the characters which they perpetuate.

This monument is a beautiful tribute of filial affection. Its plain and massive granite fitly represents simplicity, strength, and repose. The perfect medallion profile of bronze exhibits not only the consummate skill of the artist, but the affectionate reverence which inspired his work. But beyond all this are the more important questions, What does it signify? What qualities of mind and heart does it aid in perpetuating? What will be its meaning to those who live outside the immediate circle of Mr. Giddings's family and friends? I shall try to find an answer.

There are three things that should be considered in the life of a man. First, What was he, and what were the elements and forces within him? Second, What were the elements and forces of life and society around him? Third, What career resulted from the mutual play of these two groups of forces? How did he handle the world, and how did the world handle him? Did he drift, unresisting, on the currents of life, or did he lead the thoughts of men to higher and nobler purposes?

The origin and early life of Joshua Reed Giddings may be briefly told. He was born in Athens, Bradford County, Pennsylvania, October 6th, 1795. His ancestors emigrated from England to this country in 1650. His great-grandfather left Connecticut for Pennsylvania in 1725, and in 1806, when Joshua was ten years old, his father emigrated to the wilderness of Ashtabula County, Ohio, taking his son with him, who continued to reside there during the whole of his eventful life. Mr. Giddings never had the advantage of a collegiate, nor even of an academical education, and never attended any other school than that kept in the log schoolhouse of his district, and this only for a portion of the winter months. His father had fought in the battles of the Revolution, and he heard of the stirring times of '76 at his father's fireside.

In 1812, young Giddings took part in the war with Great Britain. He enlisted for active service when less than seventeen years of age, and was engaged in one or more battles with the enemy. He was in the expedition to Sandusky Bay, where, in two battles in one day, the force lost one fifth of its number in killed and wounded. On his return from the war he accepted an invitation to teach a district school in the neighborhood, and succeeded beyond his expectations. Hungering for more knowledge, he placed himself for a time under the tuition of a neighboring clergyman. In 1817 he commenced the study of the law with Hon. Elisha Whittlesey, of Canfield, Ohio, and was admitted to the bar in 1820. In 1826 he was chosen a Representative to the State Legislature; he declined a re-election, and devoted himself to his profession until 1838, when he was elected to Congress as the successor of Mr. Whittlesey, where he was continued to the end of the Thirty-fifth Congress, in 1858.

As the importance of Mr. Giddings's public career rests almost exclusively upon its relations to the institution of slavery,

it is important to find out when and how his attention was first directed to that subject. It appears that in the year 1835 Theodore Weld visited Northern Ohio, and delivered in Jefferson a series of lectures on slavery. At the conclusion of his lectures he organized an antislavery society, consisting of four men, one of whom was Mr. Giddings. No other plan of action was proposed than to secure an expression of sentiment on the general question, and an agreement to open the general discussion among the people. It is important to understand the state of political opinion in regard to slavery at that time, and for that purpose I ask your attention to a brief survey of its previous history.

The founders of the republic believed they had so adjusted its principles that slavery would slowly but surely become extinct under the joint operation of constitutional and popular forces. They provided in the Constitution for the abolition of the foreign slave-trade after the year 1808, and in the Ordinance of 1787 they prohibited the spread of slavery into any territory of the United States where it did not exist. Thus preventing its numerical increase from abroad and its territorial increase at home, and leaving in the national Constitution no recognition of its right to exist except by the authority of State laws, they had strong ground for the belief that the genial influences of religion and civil liberty would gradually exterminate a system which the cupidity of England had entailed upon them, and which at that time found few apologists and still fewer defenders.

The reasoning was sound, and during the first fifteen years of the Constitution there were many indications of the decline of slavery and of the growth of freedom. But a great reaction in favor of slavery set in, in consequence of two events, neither of which the fathers could have foreseen. One was the invention of the cotton-gin by Eli Whitney, in 1793; the other, the purchase of Louisiana from the French, in 1803. The first made cotton a crowned king among the staple products of the United States. The whole cotton crop of 1790 was less than the product of a single plantation in 1860. The plant was almost valueless because of the enormous labor required to separate the seed from the fibre, — one pound of fibre being the average result of a day's work. So completely did Whitney's invention revolutionize the industry of the South that an able writer declares,

"To say that this invention was worth one thousand millions of dollars to the Slave States, is to place a very moderate estimate on its value." The acquisition of the Territory of Louisiana gave the planters the best of all their cotton lands, and opened to them an industrial future, brilliant beyond comparison. To convert this new territory into cotton-fields, and to control the cotton markets of the world, became the passion of Southern planters. The purchase of slaves from the worn-out tobacco fields of Virginia and the Carolinas, and the organization of the coastwise and interstate slave trade, became leading features of the apostasy from freedom and the renewal of the spirit of slavery. It was not merely a perverse desire to oppress and enslave, but the love of money, — that cupidity which seeks to grasp great fortunes with few toils, — which inaugurated this new crusade for slavery.

Of all the hostile forces which truth, justice, and humanity meet in the struggle of life, none are so insidious, none so subtle, none so formidable, as the inordinate love of gain. This was the inspiring genius of slavery. I will not follow the stealthy steps by which slavery made its way, year after year, unchallenged and unobserved. Appealing to the avarice of human nature, it perverted the intellects and drugged the consciences of men. It guided the ambition of politicians, perverted the wisdom of statesmen, seized all the places of power and influence in the national government, and finally entered the sanctuaries of religion, and converted the great mass of American churches into bulwarks for the defence of human bondage. It required nearly half a century to effect this horrible transformation, and it was done so silently, so insidiously, that it wellnigh escaped the notice of mankind.

It is a significant fact, which should not be forgotten, that when the awakening began, it did not begin in the high places of political or ecclesiastical power. It sprang up among the common people who lived remote from the centres of power and influence, — people who ate their bread in the sweat of their faces, and who, adopting the religious and political faith of their fathers, discovered and proclaimed the great apostasy of the slave power. This truth is exemplified in the career of Abraham Lincoln, — that most remarkable character in modern history. Sprung from such depths of poverty as can hardly be understood in this community, living far removed from the cur-

rents of political action, while a boy working by the month on a Mississippi River flatboat, he saw at New Orleans, in 1829, a slave auction and all its brutal accompaniments, and from that hour his soul ceased not to loathe slavery, until in the wonderful development of his life, he was enabled to speak the word that broke four millions of fetters.

In the year 1833 the American Antislavery Society was organized at Philadelphia, with fourteen members, and began to make its protest against slavery. During the ten or twelve years that followed this organization, the appeal had been so fully made to the public conscience that both political parties took the alarm, and determined to suppress agitation by every means in their power.

In order to fix the place which Mr. Giddings occupied in the great movement against slavery, it is necessary to make a brief analysis of the forces arrayed against that institution at the time he became prominent. They were: —

First. William Lloyd Garrison and his followers, who insisted on immediate and unconditional emancipation as the right of all slaves, and the duty of all masters. Believing that the Federal Constitution was the bulwark of slavery, they denounced it as "a covenant with death and an agreement with hell," and declined to vote or act with any political party.

Second. Those who believed the Constitution to be Antislavery in its spirit, who could, therefore, support and defend it, and who ultimately organized the Liberty party, and made hostility to slavery their only issue.

Third. Those who were thoroughly antislavery in sentiment, but thought it best to remain in one or the other of the great political parties of the time, and carry on the reform by electing such men as would oppose and limit slavery by all legal and constitutional methods.

Though these three classes differed widely in sentiment, and particularly in their practical methods, yet the term "Abolitionist" was applied to all of them, and all suffered to a great extent the public odium which rested on either class.

In the beginning of his political career, Mr. Giddings belonged to the third class. He was a Whig, and, except on questions relating to slavery, acted with that party during the first ten years of his Congressional life. He was elected in 1838, at the last session of the Twenty-fifth Congress, to fill a

vacancy occasioned by the resignation of his old law preceptor and intimate friend, Elisha Whittlesey, who had most honorably served a continuous Congressional term of sixteen years. Martin Van Buren was then President of the United States, and James K. Polk was Speaker of the House of Representatives. The alarm against the antislavery movement had already been sounded. In his annual message, two years before, President Jackson had referred to antislavery publications in the Free States, and declared that they were "calculated to stir up insurrection and produce all the horrors of a civil war"; that they were opposed to "humanity and religion, and in violation of the Constitution and of the compromises on which the Union was founded."

Mr. Giddings found but two men in Congress who had made any public demonstration against slavery. These were the venerable John Quincy Adams of Massachusetts, and William Slade of Vermont. Mr. Adams was thoroughly antislavery in sentiment, and had most ably defended the right of petition in Congress, but at that time he had gone no further. Indeed, he had on two occasions expressed the desire "that all debate on the subject of slavery in the District of Columbia might be avoided." Mr. Slade, the previous winter, had called down upon himself a storm of indignation by offering to the House, and approving, a memorial which prayed for the abolition of slavery in the District of Columbia. While he was speaking, the slaveholding members left the hall in a body, and threatened the dissolution of the Union if such discussions were not prohibited.

Mr. Giddings took his seat on December 3, 1838. On the evening of that day a caucus of the dominant party was called to devise measures to prevent the agitation of the slavery question; and eight days later, Mr. Atherton of New Hampshire introduced, and the House passed, a series of resolutions concluding with a rule which was afterwards known as the "Atherton gag." The resolutions declared, in substance, —

"First. That Congress had no jurisdiction over slavery in the States.

"Second. That petitions for the abolition of slavery in the District of Columbia, and for the abolition of the interstate slave-trade, were intended indirectly to affect slavery in the States.

"Third. That Congress had no right to do indirectly what it could not do directly, and that the agitation of slavery in the District of Columbia

and the Territories of the United States was against the spirit of the Constitution.

"Fourth. That Congress in the exercise of its acknowledged powers, had no right to discriminate between the institutions of the States with a view of abolishing one and promoting the other.

"'*Resolved, therefore,* That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the confederacy and another, *with the views aforesaid,* are a violation of the Constitution, destructive of the fundamental principles on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper touching or relating in any way, or to any extent whatever, to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table without being debated, printed, or referred.'" [1]

These illogical resolutions were passed by an overwhelming majority, and the concluding one became a rule of the House by a vote of 173 to 26. It will be seen that, under this rule, all petitions and propositions reflecting on slavery in any way were to be laid on the table without debate, and without being printed. To his surprise, Mr. Giddings noticed that Mr. Adams, almost alone, voted against the first of these propositions. Mr. Giddings privately asked Mr. Adams why he thus voted, and that venerable statesman answered that, "*in case of war,* Congress and the Executive would become possessed of full power over the institution, and might *abolish* it if deemed necessary to save the government." [2] Nothing in the career of Mr. Adams shows more strongly his far-sighted wisdom than this declaration, which became the creed of the nation during our late war. Nothing more strikingly exhibits his admirable courage than this vote, which was generally reprehended even by antislavery men, and the wisdom of which would not be likely to be vindicated till many years after he should have passed from the earth. From that time Mr. Giddings was the devoted friend of Mr. Adams; he always looked to him for advice and support, and was in turn honored by the confidence and friendship of that great man.

A few weeks later, January 30, 1839, an incident occurred

[1] History of the Rebellion, its Authors and Causes, by J. R. Giddings, pp. 122, 123 (New York, 1864).

[2] Ibid., p. 123, note.

which made a lasting impression upon the mind of Mr. Giddings. A slave-dealer from the interior of Maryland drove a party of sixty slaves in double file past the Capitol. The men were handcuffed in pairs, and a long chain passing between the files fastened the gang together. The women, who were not chained, followed in the same order, and the small children followed in a wagon. The slave-dealer was on horseback, armed with pistols, bowie-knife, and a plantation whip. Mr. Slade offered a resolution reciting these facts, and directing a committee to inquire what legislation was necessary to prevent a recurrence of such scenes. Amid great excitement the "gag rule" was applied, the resolutions were laid on the table, and no debate was permitted.

On the 13th of February, 1839, Mr. Giddings made his first speech in Congress. A bill was pending in committee of the whole to appropriate $30,000 to build a bridge in the District of Columbia across the Potomac. Mr. Giddings moved to strike out the enacting clause, and declared his opposition to any appropriation of public money for the benefit of the people of that District, so long as they maintained a commerce in the bodies of their fellow-men. They had lately asked Congress to exclude all petitions from the people of the Free States on the subject of this commerce, and he declared himself unwilling to repay such insults to his constituents by taxing them to build up a slave market. The members had recently enjoyed an opportunity to judge of the barbarism of this slave trade. While coming to the Capitol, they had been compelled to turn aside to make room for the passage of a herd of human chattels, chained, and on their way to the slave market. These remarks created a great sensation, and Mr. Rives of Virginia called Mr. Giddings to order. The chairman decided that he was in order, and he attempted to proceed, when Mr. Glascock of Georgia declared that, if such arguments were to be permitted, the Union would be dissolved. Mr. Giddings replied that the inference to be drawn from such threats was that the Union was based on the slave trade. Mr. Glascock answered with an oath, "You are a —— liar!" The chairman became alarmed at the increasing excitement, declared Mr. Giddings out of order, and the House refused to allow him to proceed.

From that day forward, to the end of his life, Mr. Giddings was hated by the slave power, and assailed in the bitterest

manner. Though many Northern members secretly sympathized with his speech, yet few ventured to give it public indorsement.

It is impossible, in the space of this address, to do justice to the Congressional life of Mr. Giddings, or to follow, except in the most general way, the steps by which he bravely pursued that stormy career of twenty years' duration, and stamped his name and memory forever on the records of the country. I must content myself with referring briefly to a few points which may aid in illustrating the great work of his life.

He did not, and could not, at first, comprehend its magnitude. Most of the violence and bigotry he had seen exhibited against freedom came from the South, and from the Democratic party. The campaign of 1840 inspired him with the hope that the Whig party, with which he was identified, would serve the interests of freedom. His own influence and usefulness as a member of Congress depended in a great measure upon the unity of that party, and his good standing as a member of it.

There was much antislavery feeling throughout the country, but it had not been so consolidated and organized as to develop any practical plan of political action. In his work on the Causes of the Rebellion, Mr. Giddings has well described the state of public feeling, and his own situation at that time. After stating that, in the Twenty-sixth Congress (1839–41), one more avowed advocate of liberty had been added to the House, thus making three besides himself, he says: —

"These four members stood aloof from political parties whenever subjects involving moral principle were agitated, or the rights of humanity were in issue. Many Northern Whigs sympathized with them, but the writer is not aware that any other member was willing to vote against his party on any question touching slavery. The author was, perhaps, as strongly opposed to slavery as either of the gentlemen referred to, and felt as deeply humiliated by the despotism to which members of Congress were subjected, but as yet he had formed in his own mind no definite course of action for himself, further than a general opposition to slavery. There were also in the country many abolition societies. They urged the abolition of slavery in general terms, but proposed no definite plan of operations."[1]

"General Harrison was elected by a triumphant vote, and the prestige of the Democratic party was somewhat impaired. . . . . The Whig

[1] The Rebellion, its Authors and Causes, p. 134.

members of Congress had professed disgust at the gag rules under which they were constrained to sit, and the Whig press of the country had condemned the suppression of debate, as well as prohibiting the right of petition, and no one appeared to doubt that on coming into power that party would restore these natural and constitutional prerogatives of the people." [1]

In the winter of 1840–41 the suggestion was made by Mr. Giddings, and approved by Mr. Adams and the two other anti-slavery members, that, in order to regain the freedom of debate, they should test the extent to which they would be permitted to discuss, collaterally, questions involving the institution of slavery. Mr. Giddings volunteered to make the effort. He made a careful study of the Florida war and its causes, and when, on the 9th of February, 1841, a bill was under consideration, appropriating $100,000 for the removal of certain Seminole chiefs and warriors to the west of the Mississippi, he addressed the House in opposition to its passage. Premising that the propriety of this appropriation depended upon the justice of the war, he entered into an examination of its causes and the means by which it had been waged. Taking his text from the title of the bill, he showed that the word Seminole was an Indian term, which signified "runaway" or "fugitive"; that the Seminole tribe consisted largely of the descendants of negroes who had escaped from slavery, and had become free by entering the everglades of Florida while it was a free province of Spain; and that the war had been begun and prosecuted for the purpose of enslaving these exiles of Florida. When the purpose of this speech became manifest, determined and repeated efforts were made to prevent its delivery; but Mr. Giddings had so carefully guarded his line of thought, and so closely connected his points with the bill before the House, that he was permitted to proceed. He called attention to the fact that our army were employing Spanish bloodhounds in capturing these fugitives, and that the free people of the North were taxed to pay for these barbarous instruments of slavery and war. This speech was widely scattered throughout the North, and made a profound sensation. Mr. Giddings subsequently followed out the history of the Florida war more fully, and has left us the result of his labors in a volume entitled "The Exiles of Florida," which is a chapter of our history of

[1] Ibid., p. 142.

strange and thrilling interest. The delivery of this speech was the restoration of the freedom of debate, but it cost Mr. Giddings whatever influence he may have hoped to exercise with the incoming administration of General Harrison.

I cannot omit from this brief review a somewhat detailed account of the causes which led to the censure of Mr. Giddings in 1842, and to his conduct on that occasion.

In the autumn of 1841, the Creole, an American slave-ship, sailed from Richmond for New Orleans with a cargo of one hundred and thirty-six slaves. While at sea the slaves rose upon the master and crew, and asserted their liberty. In the struggle, one of the slave-dealers was killed; the slaves gained possession of the vessel and entered the British port of Nassau, where the right to freedom was recognized and protected. This event created intense excitement throughout the United States. The owners of the negroes called upon the President of the United States for compensation for their slaves, and Mr. Tyler espoused their cause. Mr. Webster, then Secretary of State, in a letter addressed to Edward Everett, United States Minister at London, avowed the intention of the government, in the interests of the owners, to demand indemnification for the slaves. Mr. Giddings, seeing the influence of our government thus prostituted to the support of the slave trade, brought the subject before Congress, on the 21st of March, 1842, in a series of resolutions declaring that, as slavery was an abridgment of natural rights, it could have no force beyond the jurisdiction which created it; that when a ship left the waters of any State, the persons on board ceased to be subject to the slave laws of such State, and thenceforth came under the jurisdiction of the United States, which had no constitutional authority to hold slaves; that the persons on board the Creole, in resuming their natural rights, violated no law of the United States, incurred no legal penalty, and were justly liable to no punishment; and that any attempt to re-enslave them was unauthorized by the Constitution and incompatible with the national honor. These resolutions created an excitement so intense that Mr. Giddings was prevailed upon temporarily to withdraw them, declaring his intention, however, to present them on a future occasion. Mr. Botts of Virginia thereupon introduced a resolution declaring the conduct of Mr. Giddings in offering the resolutions to be "altogether unwarranted and unwarrantable, and deserving the severest

condemnation of the people of this country, and of this body in particular."[1] The previous question being ordered, Mr. Giddings was denied the right of self-defence, and the resolution was adopted by a vote of 125 yeas to 69 nays. Mr. Giddings instantly resigned his seat in Congress, and came home; but, as you will remember, he was re-elected by a larger majority than ever before, and returned to his seat with instructions to maintain the doctrines he had asserted. He resumed his seat on May 5th, after an absence of less than six weeks from the passage of the vote of censure.

Shortly after his return,[2] he made an elaborate speech on a proposition to reduce the army, which was opposed, on the ground that a war might grow out of the Creole affair. In reply to Mr. Caleb Cushing's declaration that there was "a question of honor with the British government growing out of the Creole question," and that the arguments of Mr. Giddings were "British arguments and an approximation to treason," Mr. Giddings denied that the government had or could ever have anything to do with that transaction; it could not honorably lend any encouragement to that "execrable commerce in human flesh"; the government was forbidden by every spirit of morality, of national honor, to lend assistance to those engaged in a traffic in the bodies of men, women, and children. He would rejoice if every slave shipped from our slave-breeding States could regain his liberty, either by strength of his own arms, or by landing on some British island. Instead of maintaining an army to sustain this traffic, he would pass laws to punish every man who made merchandise of the image of the Creator. He proceeded in a very direct and conclusive argument to show that, though slavery might be maintained within the States under their local laws, yet the operation of those laws was confined within their limits, and could not extend into other States, nor upon the high seas. This is a summary: —

"When the ship Creole left the State of Virginia, therefore, and went beyond the jurisdiction of her laws, the slave code ceased to operate upon those on board, and they were governed by the common law modified by the laws of Congress, under which no slavery could exist. He was aware that the expression of these views was not agreeable to those around him, but no member would deny their correctness. They had been so long accustomed to submit silently to these encroach-

[1] The Rebellion, its Authors and Causes, p. 183. [2] June 4, 1842.

ments of the slave power, that it was generally expected they would continue to submit. It was their duty to speak frankly their sentiments and the sentiments of their people, and those whom he represented were unwilling to be made parties to this purchase and sale of men. They had no intention to shed their blood in defence of this slave trade. They would far rather hang every pirate who had dealt in human flesh upon our coast, than go to war for their protection. They saw not the 'mutiny' of these resisting victims, but the *piracy* of those who sought to restrain them in their freedom. The Secretary of State had referred to these people as 'murderers.' They were on the high seas, held in subjection without law, and in violation of justice. In the spirit and dignity of their manhood, they rose and asserted the rights with which the God of nature had endowed them. The slave-dealer thrust himself between them and their freedom, and in defending their lives and liberty they slew him, for which you and I and all mankind honored them; the whole world would say they did *right*. Would the honorable Secretary have done less? If so, he would not have deserved the name of *man*. Yet he called this high, heroic duty 'murder.' Our patriot fathers declared that governments are instituted among men to secure to all the enjoyment of life, liberty, and the pursuit of happiness, but the honorable Secretary appeared to think that their principal design was *to secure slave-drivers in the pursuit of their execrable vocation*. But the Creator had not left his attributes of truth and justice to depend upon the favor of men. They were omnipotent, and would prevail. When political strifes should cease, when the Secretary and he should sleep in their graves, when their names should disappear from the records of time, the great, undying truth, that all men are created equal, that they are endowed by their Creator with the inalienable right to life and liberty, would be acknowledged and observed." [1]

In this speech Mr. Giddings had nobly vindicated the freedom of debate and the rights of human nature. It should not be forgotten that the stand taken by this heroic man cost him not only all executive influence, but also social position at Washington. The social despotism of the slave power has never been adequately appreciated. We all remember that it was frequently said, in the early struggle with slavery, that the atmosphere of Washington had a strongly debasing influence on the love of freedom which Northern representatives had cherished at home. This result was achieved by the systematic efforts of the slave power so to wield the social forces as to draw and hold within the circle of their influence all the young

[1] Speeches in Congress, by J. R. Giddings, (1853,) p. 21.

men of promise and ambition who found seats in the national legislature. The average man cannot, with perfect composure, speak and vote against the wishes of the man with whom he has just broken the bread of hospitality.

For many years there was in Washington a most brilliant and attractive social organization, controlled absolutely by the slave power. Cabinet ministers and members of Congress from the South lavished their wealth to add to its attractiveness. And the one indispensable condition of admission was support and defence of the peculiar institution, or at least silence in regard to it. This influence was all the more potent, because it was private and silent in its operation. Those who were not admitted to this circle were quietly treated as though unworthy, from lack of culture or moral excellence. From the moment that Mr. Giddings had avowed his hostility to slavery, he was not only shut out from the society of which I have spoken, but was treated with marked incivility and coldness by his fellow-members. In his work on the Causes of the Rebellion, he speaks of this social ostracism in the most manly way, and we can see that his genial nature suffered from this cause. Speaking of the session of 1841 he says: "Personal feeling began to take the place of political sympathy; the social relations of members were broken up, and the common civilities of life were no longer observed by a portion of the Southern members. Personal bitterness was manifested toward the writer more than toward any other member. There were not, probably, a dozen slaveholding members who at that period recognized him while passing on the street, or when meeting him in the hall of Representatives." [1]

Again, speaking of the state of society in 1843, he says: "At Washington the author continued to be stigmatized as an 'Abolitionist,' 'an agitator,' 'one who was seeking notoriety.' Public meetings of the Democratic party adopted resolutions denouncing him; and the Democratic papers assailed him. Nor did the Whig press sustain him. He did not receive those civilities usually extended to members of Congress. He exchanged cards with but few; and wholly abstained from making calls of ceremony." [2]

It is not a light thing for a man like Mr. Giddings to pass a large part of twenty years in the manner here described.

[1] The Rebellion, its Authors and Causes, p. 158. [2] Ibid., p. 216.

So far as I have been able to discover, Mr. Giddings was the first to state a national and practical ground on which members of Congress, and the people sustaining them, could effectively resist the institution of slavery. This statement was made in a speech delivered in the House of Representatives, February 13, 1844. After showing that slavery was the creature of State law, and disclaiming any right or purpose to interfere with it in the States where it existed, he said: "Whatever issue I take with Southern gentlemen is based entirely upon this plain and obvious doctrine of the Federal Constitution, — that this government possesses no power whatever to involve the people of the Free States in the support of slavery." This doctrine forms a rallying-point for all subsequent Congressional resistance to the encroachments of slavery. All attempts to appropriate money to pay for fugitive slaves, for slaves lost in war, or by shipwreck on foreign islands, — all attempts to annex foreign territory for the purpose of extending the area of slavery, or to admit new Slave States into the Union, — in short, all federal legislation in aid of slavery was thereafter resisted on that ground, for the clear statement of which the friends of liberty were indebted to Mr. Giddings.

I cannot follow the history of his long and fierce struggle with the defenders of slavery. The older men of this audience remember how he withstood taunts and angry scorn, — how he stood at his post when pistols were levelled at him, when knives were brandished, and bludgeons were lifted to threaten his life and silence his voice.

The great power of Napoleon was seen in the rapidity and certainty with which he discovered the vulnerable point in the enemy's line, and the terrible swiftness with which he dealt his blows. With something of the same quality, Mr. Giddings was able to determine the weak points of his adversaries, — to determine the opportune moment to strike.

He continued to act with the Whig party till 1848, when he took a leading part in organizing the Free Soil movement at the Buffalo Convention. He then boldly denounced both the Whig and Democratic parties as hostile to liberty, and, taking the field against their combined opposition, carried his district for the Free Soil party. In 1856 he helped to organize the Republican party, and in his library in Jefferson wrote the resolution which formed the leading doctrine promulgated by

that party at the Philadelphia Convention. In 1859 he closed his twenty years of service in Congress. Shortly after the accession of Mr. Lincoln to the Presidency, he was appointed United States Consul-General of Canada, and died at his post of duty in May, 1864.

I cannot forbear quoting a passage from a letter which I have lately received from one of his old neighbors, a citizen of this place, who was his devoted friend for many years, and who, in clear and felicitous language, thus expresses his appreciation of Mr. Giddings's character: —

"His perception of the interior character of events — seeing how they tended and how they must result — was superior to the great mass of politicians; and he had the sagacity to see that it was wisdom to trust this power of seeing his way before him. This, with an earnest regard for the right, made him what he was; and he was almost wholly given up to his chosen labors in the political world, even at home. In private life his pursuits were the same as in public, and he thought and talked of the same things at home and abroad. If this ceased to be his subject, it gave place to personal anecdotes of the men of his day and his field, or to the *badinage* of a strong mind at playful rest. He was comparatively a stranger to general literature, and his theological thinking led him to liberal views of the subject of religion. On the great subject to which his public life was devoted, he knew the exact position that belonged to him, and he fought the battle with the most effective weapons, in the choice of which he seemed never to have been mistaken, nor to have ill timed a blow at the enemy he had volunteered to fight. Politically he was sound and strong; and he appeared to know — what so many never learn — that it was not necessary for him to sacrifice any principle for success, and he had the patience to wait for success till he found it in victory. During a period of almost forty years his life formed no small part of the history of our country, and his name is as familiar to the world as it is here at home among his neighbors. His manners were very simple, and his relations to his neighbors extremely democratic. He treated all men alike, and in the town and county knew everybody, and met them on terms of easy familiarity. This town is indebted to him, in a great degree, for the democratic manners that have always characterized it. During the recesses of Congress, when at home, he was usually among the people, and in summer his favorite amusement was a game of base-ball on the old-fashioned plan, of which the season opened on his return home, and not before."

These glimpses of his home life will, I am sure, aid in calling him up to your minds as you knew him.

And now, in conclusion, I call your attention to the prominent place he must always occupy in the history of the great events which have marked the passage of the Republic from slavery to freedom. The story of his life is a large part of the history of his country. Many of his speeches now read like prophecy. At the time of their delivery, they were regarded by the majority of his contemporaries as the dreams of a fanatic. He led the sentiments of his constituents by becoming their instructor; and if at any time they did not agree with his doctrines, they still respected the sincerity of his convictions, and admired the courage with which he proclaimed them. His life is a perpetual rebuke to those politicians who drive before the wind of popular opinion, and a hopeful and inspiring example to those who follow their convictions of truth in the hope of final success and the approval of mankind. Thousands of his comrades in the great struggle will delight to visit this monument, and draw inspiration from the lessons of his life.

On hearing that these ceremonies were to take place, the venerable Gerritt Smith wrote to a member of the Giddings family a letter, from which I am permitted to quote the following: — "I never had a truer friend than was your honored and beloved father. He was emphatically a great and good man, and his country should never forget the services he rendered her. I wish I could see his monument. Perhaps I may yet feel able to travel to it, and enjoy the privilege of being inspired by its presence."

Charles Sumner also writes: — "I never think of your father without a sense of gratitude for his whole life. Such an example is much for Ohio, — much for the whole country. He was one of our great men. I regret that I cannot be present at the proposed celebration."

Fellow-citizens of Ashtabula County, the grave and the monument of Giddings are left with you. His life and fame belong to his country and to all mankind.

POLITICAL ISSUES OF 1870.

SPEECH DELIVERED AT MANSFIELD, OHIO,

AUGUST 27, 1870.

FELLOW-CITIZENS,—The time has arrived when the people of Ohio are about to resume those powers which two years ago they intrusted to their representatives in the councils of the State and nation. Several important officers of the executive and judicial departments of our State government, and all the representatives to which Ohio is entitled in one branch of the national legislature for the next two years, are soon to be chosen by the people. In accordance with a time-honored custom, the event is made an occasion when the people re-examine the foundations on which their governments are built, and inspect the work of their servants to see if it has been done honestly and wisely, in accordance with the plans of the master-builders. This frequent resumption of power by the people themselves is the American method of managing revolutions, or rather of avoiding them. Its value, as a principle of government, finds a striking illustration in the condition of the United States as compared with that of Europe at the present moment. Two nations of highest civilization, each having a population of nearly forty millions of souls, within the last six weeks, have put two millions of their best citizens into battle array, and are bringing measureless disaster upon each other and upon all Europe, because a third nation proposed to invite a young man to fill the office made vacant by the expulsion of a weak woman. Even if the cause of the Franco-German war be stated more broadly, it must still be charged to the personal ınd ambition of not more than three or four persons, These ar bawbles called crowns. For that vague and shadowy pride p to ı called "the balance of power," all the nations of who we. phanton

Europe maintain vast armaments on sea and land, and stand ready at any moment to deluge their continent in blood. In nearly all their wars, the question is one of family, dynasty, or other matter of monarchical concern. It is the king's quarrel and the people's fight. He plots and schemes, while they pay and bleed. Happily for us, the founders of our republic established a "government of the people, by the people, and for the people," and our first President left us as a farewell legacy the sentiment and warning that the nation should forever keep clear of entangling alliances and interferences with the quarrels of other states.

Although, when foreign or domestic war assails our republic, the whole nation can form in order of battle, and make all its soil one vast camp, yet in time of peace, relying on the obedience of all to the lawfully expressed will of the majority, we reduce our army and navy to the smallest size consistent with a proper police of the sea and the shore, and, keeping abreast with the developments of military and naval science, trust to our continental position and immense resources to render us safe against foreign assaults, and enable us to direct our vast energies to the arts of peace and civilization. The political party whose doctrines and aspirations accomplish most in this direction will enjoy the confidence and support of our people. By this test all political organizations must be judged. I confidently challenge its most searching application in a comparison of the careers, doctrines, and characters of the Republican and Democratic parties of to-day.

Democratic leaders will hardly dare to appeal to the history of their party during the last eventful decade as a pledge of their fitness to be trusted with power. The shameful story is a painful one to rehearse. The people know it by heart, and I shall not weary you with the recital, but will only remind you of a few significant facts which no intelligent Democrat will deny.

1. That after a long period of Democratic subordination to the interests of the slave power, and the prostitution of every department of the national government to the support and extension of slavery, the Republican party, in 1860, made a successful appeal to the people through the ballot-box to forbid the further spread of that baneful institution; and thereupon the most formidable conspiracy known in history was hatched

in the bosom of the Democratic party for the destruction of the nation and the perpetuation of human bondage. In this conspiracy not one Republican took part; its leaders and supporters were Democrats all.

2. That, from the beginning to the end of our great war for the preservation of the Union, the Democratic party, through its conventions and other organs of opinion and power, threw the whole weight of its political and moral influence against the Union and in favor of the Rebellion. Whether the nation called for men to fight, for money to pay, or for the destruction of slavery as a means of weakening the enemy, these and all similar measures met the steady and persistent opposition of the Democratic party. Of course I do not speak of all Democrats as individuals, but of the party organization as such.

3. That since the war all the leading measures deemed necessary to secure the fruits of the contest, and to prevent the recurrence of secession and rebellion, have met with almost unanimous opposition from the Democratic party. This statement finds ample proof in the fact that on the passage of every statute and constitutional amendment for the abolition of slavery, for granting civil and political rights to those made free by the war, for making the payment of the Rebel debt and the repudiation of the national debt impossible, for restoring the rebellious States in the interest of liberty and loyalty, for securing equal and exact justice to all citizens, — I say, on the passage of all acts and amendments for these purposes the Democratic party, through the votes of its approved representatives, has been the party of obstruction and hindrance, whose chief if not sole principle of action has been to oppose whatever the party in power was doing.

Over against this shameful record stands the honorable record of the Republican party. Inspired with the love of liberty and union, that party saved and preserved both. Its pathway across the decade just closed is crowded with imperishable monuments of heroic sacrifice, of courageous wisdom, of deep and abiding faith in the final triumph of truth and justice, — monuments which a grateful posterity will forever cherish, but in the glory of which the Democratic party has no share. During these terrible years the Republican party was again and again charged with responsibilities immeasurably great, and with trusts precious beyond price. The very life of the nation

was committed to its care. In more than one crisis the defeat of the Republican party would have been the dismemberment of the Union, the triumph of the Rebellion. In every such crisis the defeat of the Democratic party was the salvation of the republic. It is a fearful thing, fellow-citizens, to be a member of a political party whose success is a victory for the armed enemies of our country. Will any one who hears me deny that such would have been the result of Vallandigham's election as Governor of Ohio, in 1863? I challenge the leaders of the Democratic party to show any substantial measures which they proposed during all those years that would have resulted in the honor and safety of the nation, or in securing liberty and justice to its citizens.

I do not underestimate the value of an opposition party in popular government. An intelligent opposition is always valuable as a check to the abuse of power. To construct, build, preserve, and defend, are the duties of those who manage public affairs. To oppose unwise measures and propose better ones is the worthy work of an opposition party. But in what instance have the Democracy done this? Occasionally they have been intrusted with the conduct of affairs in some of the States. But in every such case their course has been reactionary and violent. Will they rest their claim to wise statesmanship on their legislation for Ohio in 1868–69? That test would be perilous to their reputation to the last degree. I do not claim that the past history of parties shall be the chief reason for intrusting them with power, or excluding them from it; but such records as the two parties of the country have made since 1860 afford strong presumptive evidence that it is safe and wise to trust the Republican party, and dangerous and unwise to trust the Democratic party.

But I turn from this political retrospect. The life of the republic goes on developing new questions and new necessities. What are its present wants, and what policy will best meet them? What are the two great parties doing and proposing for the immediate future? To these questions I cheerfully attempt answers. Others more immediately connected with the government of Ohio will discuss the issues of State politics. On this occasion I shall speak mainly of Congress and the Republican administration at Washington.

In the first place, we announce the completion of the great

work of reconstruction. The suffrage has been conferred on those who were lately slaves; and this new guaranty of freedom has been set like a fixed star in the firmament of the Constitution. Manhood, not the accident of race or color, is now the basis of our government. As a result, the negro question is substantially removed from the arena of American politics. The colored men of this country, having now equal rights before the law, must vindicate their own manhood, and prove by their own efforts the wisdom of the policy which has placed their destiny in their own hands.

During the last session, three more of the lately rebellious States were restored to their places in the Union, and to representation in both branches of Congress. Georgia, the last of the insurgent eleven, has complied with the terms of restoration, and has been declared entitled to representation. This virtually closes the difficult work of restoration. The Southern people are fast regaining their prosperity. One more cotton crop like that of last year will make the South more wealthy and prosperous than ever before, and, freed from the dead weight of slavery, a bright career is opening before her people. The time is not far distant when her thoughtful citizens will see that the success of the Union cause conferred upon her incalculable blessings, and saved her from the saddest of destinies. Laws have also been passed to enforce the new Amendments to the Constitution, and nothing can now disturb these great guaranties unless it be the reactionary power of the Democracy. Their purpose in this direction was exhibited in a vote given on the 11th of July last, in the House of Representatives, on a resolution declaring that the Fourteenth and Fifteenth Amendments, having been duly ratified by the legislatures of three fourths of the States, had thus become part of the Constitution, binding and obligatory upon all officers of the national and State governments, and upon all citizens of the United States. Of the thirty-four Democrats who voted on this resolution, only three voted for it; thirty-one voted against it. Will the people of Ohio sustain the Democratic party in this revolutionary conduct? If the Democrats can select a part of the Constitution which they declare is not binding upon the people, another party may nullify the rest, and there is an end of law, and the beginning of anarchy. There are no bounds which such a spirit of reaction may not overleap. If I understand the spirit

and sentiment of the American people, they will never permit the great work accomplished during the past ten years to be destroyed by the men whose bitter opposition is encountered at every step.

But now that the war and slavery are ended, and reconstruction is virtually completed, the subject of deepest interest to the people is the management of their financial affairs. They have shown themselves ready and willing to bear all burdens which may be necessary to support the government, to maintain its honor at home and abroad, to meet all its just obligations, and to preserve inviolable the public faith; but they will hold to the strictest account those who are intrusted with the management of the revenues. I take great pleasure in rendering an account of the manner in which the Republican party and the administration of President Grant have discharged that duty.

And, first, I call attention to the revenues of the nation, — the money paid by the people into the public treasury. In the year ending June 30, 1866, the receipts from taxes, and all other sources except loans, had reached the highest figure ever known, the sum of $558,032,620. Between that period and the 20th of July, 1868, five different laws were passed repealing taxes which had produced in the aggregate a revenue of $173,000,000. If these repealed laws were in force to-day, the people would pay $200,000,000 more of tax per annum than they now pay. The growth of our wealth would have shown an increase of $27,000,000 over and above that of 1866.

The total receipts for 1867–68, exclusive of loans, were $405,638,038.32
The total receipts for 1868–69, exclusive of loans, were 370,943,747.21
The total receipts for 1869–70, exclusive of loans, were 411,255,477.63

The last fiscal year shows an increase of more than $40,000,000 over the preceding year, and the increase for the current year is thus far still greater.

It is instructive to inquire how this large increase of revenue has been produced. It is mainly due to the more honest and faithful collection of the revenues since General Grant became President. I hold in my hand an official statement, signed by Columbus Delano, the Commissioner of Internal Revenue, which exhibits fifteen of the main sources from which our internal revenues are drawn; it exhibits also the amounts received from each source during the last fourteen months of Johnson's

administration, and for the first fourteen months of Grant's administration. This table shows a total increase from these sources of more than $50,000,000, being a gain of 32.3 per cent. On one only of these sources has there been a decrease, and that is penalties for violations of the revenue laws. There has been a falling off of forty per cent in the receipts from this source, thus showing that the revenue has been more fully paid, with less fraud and evasion than before. Some of these items are very suggestive. On distilled spirits the tax collected during the first fourteen months of General Grant's term is greater by more than $25,500,000 than was collected during the last fourteen months of Mr. Johnson's term. This great disparity is made all the more striking by the fact that the tax was two dollars per gallon in the one case, and only sixty-five cents per gallon in the other. On tobacco the gain was nearly $12,500,000.

In submitting the following table, it is proper to remark that it does not exhibit all the receipts of internal revenue for both periods, those on which the tax has been repealed being omitted.

Comparative Statement, showing Receipts from same General Sources of Taxation from January 1, 1868, *to February* 28, 1869, *inclusive, and from March* 1, 1869, *to April* 30, 1870, *inclusive; also, increase or decrease, and increase or decrease per cent.*

Sources of Revenue.	Receipts from January, 1868, to February, 1869 (14 months).	Receipts from March, 1869, to April, 1870 (14 months).	Increase.	Decrease.	Increase per cent.	Decrease per cent.
Spirits	$35,859,331.58	$61,597,890.58	$25,738,559.00		72	
Tobacco	22,486,741.81	34,949,644.69	12,462,902.88		55	
Fermented liquors	6,738,632.20	7,076,874.26	338,242.06		5	
Gross receipts	7,280,743.97	7,839,100.86	558,356.89		8	
Sales	7,955,975.39	10,318,898.77	2,362,923.38		30	
Income, including salaries	35,483,372.85	40,739,517.32	5,256,144.47		15	
Banks and bankers	3,729,820.08	4,539,946.81	810,126.73		22	
Special taxes	9,270,622.72	9,824,171.83	553,549.16		6	
Legacies	1,647,539.83	1,882,610.27	235,070.44		14	
Successions	1,477,899.30	1,688,350.64	210,451.34		14	
Articles in Schedule A	889,765.47	925,216.15	35,450.68		4	
Passports	25,909.00	27,560.00	1,651.00		6	
Gas	2,454,391,22	2,760,188.02	305,796.80		12	
Penalties	1,345,791.91	814,046.15		$531,745.76		40
Stamps	18,173,436.26	19,879,874.56	1,706,438.30		9	
Total	154,819,973.59	204,863,890.91	50,575,663.13	531,745.76	32.3	
Total gain, $50,043,917.37, or 32.3 per cent.						

I will say in simple justice to the former administrations, that probably four per cent of the increase results from the increase of national wealth. But making all due allowances, the conclusion is irresistible that this remarkable increase in our revenues is mainly due to the more honest and efficient collection of the taxes.

The reduction of expenditures is equally striking, including the payment of interest on the public debt: —

The total expenditures of the United States for the fiscal year 1867–68 were $377,340,284.86
The total expenditures of the United States for the fiscal year 1868–69 were $321,490,597.75
The total expenditures of the United States for the fiscal year 1869–70 were $292,124,055.18

The fiscal year that ended eight months before General Grant was inaugurated showed an excess of receipts over expenditures of less than $29,000,000. The year that ended four months after his inauguration showed an excess of nearly $49,500,000. The year that ended June 30, 1870, the first full fiscal year of President Grant's term, showed an excess of more than $119,000,000. Yet the rate of taxation was not increased on a single article during the year. Part of the reduction of expenditures is due to the fact that such war claims as back pay and bounties of soldiers are now nearly paid off; but, on the other hand, the pension list is larger than ever before, and in a growing nation nominal expenditures constantly increase. Making all due allowance on both sides of the ledger, this great reduction of expenses is clearly due to increased economy in the management of public affairs. I challenge our Democratic friends to gainsay a single fact that I have submitted. In his recent speech at Delaware, General Morgan takes occasion to criticise special items of expenditure, but he does not venture to state the totals either of receipts or expenses, much less does he compare the financial work of the present administration with that of the last.

But, fellow-citizens, you have a right to know what has been done with the surplus of receipts over expenditures. I hope there is not an American citizen who will not be proud to know that, from the inauguration of General Grant to the first day of the present month, the principal of the public debt has been

paid and cancelled to the extent of one sixteenth of its whole amount, and the annual interest has been reduced by the sum of at least $8,500,000.

On the 1st of March, 1869, the public debt, less cash in the Treasury, was	$2,525,463,260.01
On the 1st of August, 1870, the public debt, less cash in the Treasury, was	2,369,324,076.00
Showing a net decrease of	$156,139,184.01

This result has had no parallel since the war. I have shown you the incomes and outgoes, the surplus and what has been done with the surplus. If this management of the people's money has not been wise and honest, please to show me an example of administrative wisdom and honesty.

It is a peculiar characteristic of the American people, that they are restive under debt, and are willing to make great sacrifices to reduce and liquidate all their pecuniary obligations. European writers have frequently noticed this peculiarity, as contrasted with the disposition of other nations to reduce taxes rather than debts. The London Times recently said that nations, like families, have skeletons in their closets, the ghastliest of which are their public debts. If an Englishman sees a statement of the British debt once a year, it is because he makes special inquiry at the proper office. The payment of the principal has almost ceased to be a subject of discussion. "But," continued the Times, "our American cousins have a strange fancy for examining their skeleton. They bring it out of the closet once a month, weigh it and measure its exact size, and publish it in every hamlet. Its decrease is the glory of administrations and the pride of the people." I rejoice that this is the spirit of our people; and I hope that a substantial reduction of the debt each year will be our fixed policy. But I do not believe that the industry of the nation should be taxed to make the reduction so rapid as it has been during the last year and a half. The great destruction of wealth caused by the war, and the great strain to which the resources of the people were subjected during the war and since, make it a matter of wise economy to lighten the burden as much as possible, and allow industry to recover its tone. Again, we are gradually passing down from the high prices and quick gains of war, and taxes should be adjusted to the new conditions. I cannot, therefore,

sympathize with those who think that Congress, at the late session, went too far in the reduction of taxation.

In addition to the $173,000,000 of reduction previously made by Congress since June, 1866, the law of July 14, 1870, provides for a further reduction of taxes. That law repeals taxes which, during the last year, produced revenue amounting to more than $81,000,000. A part of this reduction will take effect on the 1st of October next, and a part at the beginning of the next year. The reduction made by the law of July 14 is distributed as follows: —

I. *Internal Revenue Taxation.*

1. All special taxes (licenses) except on distilled and fermented liquors and tobacco	$10,674,000
2. Gross receipts	6,784,000
3. Sales, except on liquors and tobacco	8,804,000
4. Incomes, reduction to two and one half per cent on incomes over $2,000	23,700,000
5. Legacies and successions, articles in Schedule A, and passports	3,900,000
6. Stamps on receipts, and on promissory notes for less than $100	1,350,000
Total reduction of internal taxes	$55,212,000

II. *Tariff Duties.*

1. On tea, coffee, and sugars	$20,500,000
2. On spices	1,500,000
3. On fruits and nuts	750,000
4. On pig-iron and scrap-iron	540,000
5. On about one hundred articles made free of duty	2,750,000
Total tariff reduction	$26,040,000

The two classes of reductions thus made, if measured by the revenues of last year, will amount to more than $81,000,000. One fifth of the whole burden of national taxation now borne by the people of the United States will be removed by this law. The law also provides for a large reduction of officers now employed in the assessment and collection of the revenue. But on a few articles, mainly agricultural products, the tariff was increased to the aggregate amount of two and a third millions of dollars.

On this great measure of relief, the final vote in the House of Representatives was taken on the 13th of July. The ayes and noes were called, and the vote stood 144 ayes and 49 noes. Fifty-five Democrats answered to their names; eight of them voted for the bill, forty-seven against it. Not one Ohio Democrat voted for it. There may have been reasons of party policy why these gentlemen refused to lighten the burdens of the public. I leave it to them to explain.

Whether the reduction was wisely distributed among the numerous subjects of taxation is a question on which the best of men may differ; but I have no doubt that the great mass of the people will approve the law as a whole, and will fully appreciate the great relief it affords. They will be likely to ask our Democratic friends to explain their conduct in regard to it.

Concerning the management of the public debt, our Democratic friends have various opinions. They have transferred to this debt the hostility they had to the Union cause, in the maintenance of which it was incurred. Some of them, like the Democrats of Fairfield County, Ohio, and like those of Mercer County, and their representative, Mr. Mungen, declare openly for the repudiation of the whole debt, principal and interest; others, like Andrew Johnson, propose to pay the interest for a few years longer, and then repudiate the principal. A large number propose to repudiate the interest, by printing and then forcing upon the creditors of the government, in exchange for their bonds, greenbacks, which bear no interest, and which, if the Democratic doctrine be followed, will never be redeemed. This they propose in face of the solemn provision of the law authorizing the bonds, that the amount of greenbacks in circulation should never exceed $400,000,000. These various opinions find the amplest illustration in their platforms, speeches, and votes during the last three years. Like the cause of the Union during the war, the public credit has been advanced by every defeat of the Democratic party, and depressed by all their successes.

On the other hand, the Republican party hold that the debt is a sacred obligation, for the payment of which the justice, honor, and good faith of the whole nation are pledged; that, apart from the dishonor and wickedness of such a course, its repudiation, in any form or degree, would bring measureless disaster upon us and our posterity. To prevent such a calam-

ity, they have not only passed resolutions and laws denouncing repudiation, but they have rendered repudiation impossible by an amendment to the Constitution which enables every public creditor to defend his rights in the courts, should repudiation be attempted by a recreant President and Congress. It has been, and is, the fixed opinion and policy of the Republican party, that the honest course is the cheapest; that the best mode of lightening the burden of the public debt is so to improve the public credit that the debt may be refunded at a lower rate of interest. One per cent of reduction of the rate would save the nation from twelve to thirteen millions of gold per annum.

The election of General Grant was the signal for the immediate improvement of the public credit. Since then our bonds have steadily advanced in value, until now they are nearly worth their face in gold. The enhancement of our credit led the Republican party to believe that the time had arrived when the debt could be refunded at a lower rate of interest; and, on the 13th of July last, a bill was passed by Congress which provided for funding one thousand millions of the debt at four per cent, three hundred millions at four and a half per cent, and two hundred millions at five per cent. The law carefully guards against all extravagance in its administration. It provides for no special fiscal agents at home or abroad. The work of refunding is to be carried on by the financial officers of the government. My own fear is that four per cent is so low a rate that the bonds will not be taken at that price. If they are, that is the best feature of the law.

That bill passed the House by a vote of 139 ayes to 54 noes, and the Senate by a vote of 32 ayes to 10 noes. Not one Democratic Senator or Representative voted for it; five Democratic Senators and fifty-three Democratic Representatives voted against it. While they are explaining why they voted against the great reduction of taxes, perhaps they will also be so good as to explain why they voted solidly against the reduction of our annual burden of interest on the public debt.

Many differences of opinion exist among the members of both parties in regard to the currency and the banks, and multitudes of plans and theories were proposed at the late session of Congress, few of which secured the general assent of either party. But a few practical and pressing necessities of the

country, in connection with the currency, demanded the attention of Congress. It was found that, while there was a glut of currency in New York and the other money centres of the East, the West and South were suffering greatly for want of currency and banking facilities. It was easy to borrow money on call at a low rate to carry on stock and gold gambling in Wall Street; but Western and Southern business men found it difficult to obtain money to carry on the great industries even at exorbitant rates. A most unequal distribution of banking facilities had been made during the war, when the South was practically separated from the Union. It was found that, while the eleven States east of the Alleghanies and north of the Potomac, with a population of less than 11,500,000, had 1,078 banks, and more than $232,000,000 of bank circulation, the twenty-six great States of the West and South, with a population of 20,000,000, had less than $66,000,000 of circulation. Indeed, Massachusetts and Connecticut alone had $10,000,000 more than all these twenty-six Western and Southern States put together. There can be no defence of this injustice to these great and rapidly developing portions of the country.

Another evil connected with the currency was the fact that the New York and other city banks of the East held in their vaults, and were allowed to count as part of their lawful reserve, $45,000,000 of three per cent certificates, on which they drew interest from the government; while all Western and country banks were compelled to hold greenbacks as their reserve, on which they drew no interest. Moreover, these three per cent certificates were the most dangerous form of the public debt. They were payable on demand, and in a time of financial panic might be precipitated on the Treasury at once, to its great embarrassment.

To remedy these evils, a bill was passed on the 6th of July last, which provided for the redemption and cancellation of the $45,000,000 of three per cent certificates, and the issuing of $54,000,000 of bank circulation to the relatively destitute States of the West and South. It provided also for withdrawing $25,000,000 from the Eastern States having a surplus, and distributing to the West and South the amount thus withdrawn. To take from the existing banks their monopoly of privileges, and to prepare for a return to specie payments, it was provided that banking should be free to all who, also com-

plying with the other terms of the banking laws, shall redeem their notes in coin whenever it is demanded.

This bill passed the House of Representatives by a vote of 100 to 77. Only four Democrats voted for it; forty-four voted against it. I invite them to explain why they voted to continue to the Eastern banks this monopoly of privilege, and to allow the New York banks to continue to receive interest on their reserves. Perhaps it may console these gentlemen to know that their votes appear to have been approved by every stock gambler of Wall Street, from the magnificent James Fisk, Jr. to the humblest of the curbstone brokers.

It is not necessary to detain you with the record of the Democracy in their solid opposition to the laws passed at the late session for the enforcement of the Fifteenth Amendment, for amending the naturalization laws and preventing their violation by fraudulent voting, and all the similar measures that so deeply concern the success of that party in the South and in the great cities of New York and Brooklyn.

I have now reviewed the leading measures of the late session of Congress, on which the two parties were opposed, and I confidently appeal to the people for a verdict as to the comparative wisdom and patriotism exhibited by the two parties. Now, as during the war, we see that the course of the Democracy is reactionary and obstructive, their policy negative rather than positive, destructive rather than conservative. Turning from this view of the immediate past, I invite your attention to the doctrines put forth as platforms for the present campaign by the two parties. I do not greatly value party platforms, either for their political wisdom or truthfulness; but they are instructive as records of party life and tendencies.

It may be interesting to political antiquarians to observe that the two leading paragraphs which form the preface to the Democratic State platform of June last are copied from the resolutions of the Democratic National Convention of 1840, and it is noticeable that one of them, which speaks approvingly of the Declaration of Independence, is brought out again, after a continued absence of more than fourteen years from the conventions of the Democracy. This is, perhaps, the most encouraging feature of their platform. During the absence of that paragraph the Declaration of Independence was not in high favor with these gentlemen. Perhaps its restoration indicates that they

will by and by admit that its doctrines and promises apply to all citizens, of whatever race or color.

The first resolution of the platform denounces the present tariff as a gigantic robbery of the labor and industry of the country, and favors a low revenue tariff, which will closely approximate to free trade. On the tariff question, neither of the great political parties is united. Opinions vary all the way from free trade to prohibition. It is also manifest that the question has assumed a local rather than a national aspect. Doubtless the majority of Democrats are free-traders, but all the Democratic members of Congress from Pennsylvania save one abjure free trade and favor high protection for protection's sake. Republicans of the Northwest, and in the agricultural districts generally, favor a considerable reduction of the present duties, and some are avowed free-traders. Other Republicans, like the Democrats of Pennsylvania, favor the highest rates of protection for protection's sake.

Now, before discussing this topic further, I desire to make a statement which will not be disputed. It is this. For the present, we must annually raise by taxation, for the payment of interest on our public debt, about $130,000,000 in gold. Our expenditures for the diplomatic and consular service, and our payments to Indian tribes, must also be in gold. No prudent man, therefore, will say that we can safely reduce our gold revenues below $150,000,000. Our only source of gold income is tariff duties, which have produced an average of $175,000,000 per annum during the last five years. By the law of July last, tariff duties on the necessaries of life have been removed so as to reduce the annual receipts to $150,000,000. Now, will these Democratic statesmen tell us how much lower they intend to reduce our gold receipts? They declare for a "low revenue tariff." Shall it be *low* at all hazards, without regard to the necessities of the government? Before the late reduction, the receipts did not average twenty per cent more than is actually needed to meet the gold obligations of the government. But, both before and after the reduction, they denounce the tariff as "a gigantic robbery." I beg them to inform us how great a reduction will be needed to transform this "robbery" into the "low revenue tariff" which they promise, and to how low a point they propose to push the gold revenues of the government. They have given us but one indication as to their mode

of reduction. They demand that all the necessaries of life shall be "absolutely free of duty." Will these gentlemen tell us what articles they include among "the necessaries of life"? Do they include tea, and coffee, and sugar? Certainly not; for they voted almost unanimously against a reduction of $20,500,000 on these articles at the late session. Do they include boots and shoes, coal and manufactures of iron and steel, cotton and wool? Certainly not; for during the long period of Democratic rule, before the war, when the necessity for revenue was vastly less than it now is, the duty which they imposed on these articles averaged about thirty per cent *ad valorem*. That was the exact rate under the tariff of 1846. Do they include beef, pork, fish, salt, butter and cheese, potatoes and oats, wheat and flour, and breadstuffs generally, among the necessaries of life? Surely not; for in the same tariff the rate on none of these articles was less than twenty per cent. What, then, are these "necessaries of life" which they will make "absolutely free of duty"? The fact is, there never was in this country such a tariff as they propose; and in our present condition there never can be, if we mean to pay our debts and support the government. This utterance of the Democratic party is "full of sound and fury, signifying nothing." It is a vulgar appeal to prejudice and passion, devoid alike of patriotism and sense.

The resolution of the Republican State Convention on the tariff is manifestly a compromise between two extremes of opinion, and is probably not altogether satisfactory to either. It recognizes as the basis of the tariff the necessity of revenue, — demands that its details shall be so adjusted as to work the least hardship to industry in every form, and to secure to every class of producers, not a monopoly, but a fair competition with foreign producers. This appears to me both just and wise. Any extreme on this subject will bring upon our producers the worst evil that can befall them, which is sudden and violent change and constant uncertainty. Place the rate so high as to be nearly or quite prohibitory, and a popular reaction will set in and reduce it so low as to disorganize, if not destroy, enterprises of immense value. This has been the sad history of much of our tariff legislation for the last fifty years. Two counties in the district which I have the honor to represent, dig one fifth of all the coal and make three eighths of all the iron produced in the State of Ohio. A very high rate of duty would no doubt be

acceptable to those engaged in these industries. But it is my clear conviction that a moderate duty steadily maintained is far more valuable to them than the dangerous fluctuations which will result from an unsteady policy. Organized as American industry now is, our producers should not, on the one hand, be subjected to the unrestrained competition of all foreigners; nor should they, on the other, look to the government to make all their enterprises profitable. In the divided state of opinions in Congress, the details of the tariff, in many respects, were not satisfactorily adjusted. For instance, the present duty on coal and salt, both prime necessaries of life, should have been included among the reductions.

The Democratic Convention also denounces the internal revenue system as unendurable in its oppressive exactions, and demands the immediate repeal of the stamp and license taxes, and the taxes on sales and incomes. These very taxes were abolished by the law of July 13, though forty-seven Democrats in the House of Representatives voted against the repeal. Let this resolution and this vote go to the country together. But they propose, in their platform, a new mode of managing the internal revenue. They say this tax should be collected by State and county officials. And this doctrine is put forth by that party which has so long been preaching a crusade against centralization and usurpation of power by the general government! The rights of "independent, sovereign States" have been one of the dearest dogmas of the party; and now they propose to place both State and county officers under the command of a Federal officer, appointed by the President! If this be not consolidation of power in the hands of the national administration, tell me what it is. The proposition is too absurd to be debated.

The Democratic Convention also demands the immediate abolition of the national banks, and the issue of treasury notes in place of the $300,000,000 of national bank notes now outstanding. Let us consider this reckless proposition. Do the Democracy mean that there shall be no banks in this country? that the United States shall be the only modern nation in which there are no institutions of credit, whose soundness is in some legal manner guaranteed to the people? Or, will they remand us to the wretched system of State banks from which the National Currency Act so happily relieved us? If this be their purpose,

the scheme will find no favor among the millions of our people who suffered untold losses under the old system, but who have never lost a dollar by the failure of a national bank. So far as can be learned from its terms, the resolution proposes no substitute for the national banks or their circulation except a direct issue from the treasury of $300,000,000 of greenbacks. The Democrats will not only withdraw the circulation, but abolish the banks also. This proposition exhibits the blindest ignorance of the whole subject of money and credit as related to business. By far the largest proportion of all the exchanges in this country — the purchases and sales — are effected, not by the use of paper or metallic currency, but by checks, drafts, bills of exchange, and other forms of bank credit. It has been ascertained that fully ninety-five per cent of all the vast commercial and business transactions of England are carried on by these agencies, and only five per cent by the actual use of money. The business of the New York clearing-house during the year 1869 amounted to more than thirty-seven billions, but only a little more than one billion of money was actually used in doing it. The bank is the modern institution employed by all civilized nations to facilitate the operations of trade and to economize the use of money. It can no more be dispensed with than the railroad or telegraph.

In case this policy were adopted, and the sixteen hundred banks which now afford facilities for credit, deposit, and discount throughout the country were abolished, and the Treasury issued greenbacks in place of the bank notes cancelled, to whom would they be issued? To the creditors of the government, to the holders of bonds in the great money centres, thus increasing the glut of money in the cities and the stringency in the country, and abandoning all those who need credit in the transaction of business to the tender mercies of private brokers and money-lenders. The issue of greenbacks would utterly fail to meet the necessities of business, which requires credit as well as currency.

There are still graver difficulties in the way. Under the late decision of the Supreme Court of the United States,[1] not one dollar of the new greenbacks would be legal tender for any debt existing at the time of their issue. Indeed, the plain inference to be drawn from the opinion of the court is, that the

[1] Hepburn *v.* Griswold See *ante*, p. 565, note.

whole issue would be declared unconstitutional. Treasury notes were made a legal tender only as a measure of overwhelming necessity to meet the demands of the war. Even those judges who dissented from the opinion of the court defended the issue of the legal-tender notes only as a war measure. And yet the Democracy propose to plunge the country into all the legal difficulties which are sure to arise out of a new issue!

The proposed issue would so depreciate the value of the greenbacks now outstanding as greatly to derange business and indefinitely postpone the return to specie payments. As the banks are now organized, the chief strain, when resumption takes place, will fall upon them. They are required to redeem their own notes in greenbacks, and must therefore march abreast of the government in the approach to specie values. The Democracy propose to abolish the banks immediately, and leave the government to carry the burden alone.

The expense of such a step is also worthy of consideration. Some people seem to think that the abolition of the banks would abolish or cancel the $390,000,000 of bonds on which they are based, or would at least cancel the interest on the bonds. This is, of course, a mistake. The stockholders of the banks own the bonds, and they would still own them and draw interest on them, the same after the abolition of the banks as before.

The Constitution does not permit the State and local authorities to tax the bonds as such, nor is the principal of the bonds taxed by Congress. But the $390,000,000 of bonds that constitutes bank capital is taxed by the States in the form of bank stock, and Congress taxes the banks directly in many ways. During the year 1869 the banks paid taxes as follows: —

To the United States	$10,029,982
To the several States	8,972,711
Making a total tax of	$19,002,693

Or four and a half per cent on their capital. This $19,000,000 of revenue would be wholly lost to the nation and to the States by the abolition of the banks.

But, fellow-citizens, this topic is too important to be dismissed without examination in still another direction. If the immediate repeal of the National Banking Law caused no revulsion in the business of the country; if there were no loss of taxes by it; if there were no constitutional objection to an additional issue of

$300,000,000 of legal-tender notes, and no violation of plighted faith in it, — I should still insist that this proposal of the Democracy is most unwise, and that its adoption would be extremely dangerous. It would be unwise, because a currency of treasury notes has no power to adapt itself to the wants of trade, which vary from year to year, and from month to month in the same year. An amount of currency amply sufficient for the winter and spring might be wholly insufficient for moving the fall crops. Any fixed amount might be insufficient at one time, and redundant at another. On the contrary, the currency and credits afforded by the national banks are regulated by the wants of trade, and increase or diminish in amount according to the fluctuations of business. The adoption of the Democratic programme would be dangerous in the highest degree, because of the great temptation it would offer to Congress and the President to increase the volume of currency in place of levying taxes. Suppose that, just on the eve of an important election, an administration finds a large deficiency of revenue, and that to meet the wants of the treasury new taxes must be levied. Will they be likely to resist the temptation to print a few millions more of Treasury notes to tide over the election? Who does not see that this policy would place the whole business of the country, the value of all contracts, the cost of living, and the wages of labor, at the mercy of a partisan vote of Congress? For myself, I dare not trust the great industrial interests of the country to such uncertain chances.

I conclude the discussion of this topic with the expression of my confident belief that the people will maintain the national banking system as the best and safest they have ever had. Its establishment is an honor to the Republican party, and a great blessing to the nation.

Both the Republican and Democratic conventions united in denouncing grants of land to corporations and monopolies. If these resolutions refer to the immense number of schemes to aid local railroad and other corporations which have been crowded upon Congress during the past two years, they are wise and opportune. Scores of such bills were introduced at the last session, though very few of them were passed, if any. It is well for the people to warn their representatives against the mass of such bills which are now pending in Congress. For myself, I never introduced nor voted for such a bill. But

if these resolutions are intended to condemn the legislation which has given land to aid in the construction of the great continental railway between the Atlantic and the Pacific, they are not, in my judgment, either wise or opportune. The opening up to settlement and civilization of the vast wilderness on both slopes of the Rocky Mountains was nearly or quite impossible without these great roads. Within the last fifteen years, both the political parties, in their national conventions, have recommended the building of a Pacific railroad. More than ten years ago, William H. Seward made a speech on the passage of the first Pacific railroad bill through the Senate, in which occurred this striking and suggestive passage: —

"I want it to be known, I want it to be seen and read of all men here and elsewhere, that, at the very day and hour when it was apprehended by patriotic and wise men throughout the land that this Union was falling into ruin, the Congress of the United States placed upon the statute-books, for eternal record, an act appropriating ninety-six millions — the largest appropriation ever made — to bind the Northeast and the Northwest and the Southwest, the East and the West, and the North and the South, by a physical, material bond of indissoluble union."

The bill to aid in the construction of the Union Pacific Railroad became a law in 1862; in 1864, the bill to aid, by a grant of lands, the building of the Northern Pacific road was passed. Both political parties were divided in regard to these bills; but the completion of one of the roads has fully vindicated the wisdom of the legislation.

The most important law passed at the late session of Congress relating to grants of land was an act amendatory of the law of 1864 in regard to the Northern Pacific road. It allows the company to issue their own bonds, and mortgage the lands already given to them; but it enlarges the grant very little, if any. On the passage of this amendatory act both parties were divided, as they were in 1862 and 1864. I have stated these details for the reason that attempts have been made to represent that, at the last session, large grants of land were recklessly made to railroad corporations.

The remaining resolutions of the Democratic platform — concerning the taxation of the bonds, the enforcement of the Fifteenth Amendment, hostility to Great Britain and Spain, praising the conduct of Democratic Congressmen, etc. — are but the stuffing and padding which have become so cheap and

so common in such conventions, but which influence the popular mind far less than politicians suppose.

In reviewing the ground gone over, there appears to run through the career of the Democratic party, both before, during, and since the war, a malignant consistency in opposing everything done or attempted by the Republican party. They were unwilling to have the Union saved, if it was to be done under the lead of the Republican party. They denounced us for keeping the Southern States out so long, but opposed reconstruction, apparently because Republicans proposed it. In all their efforts, they seem to be moved by their hates rather than their loves. This makes them a party of negations, of destruction and revolution. All the substantial measures which they have recommended in their platforms are reactionary and violent. All the *débris* of the Rebellion has fallen into their party. The shattered hopes and broken purposes of the Rebels have added bitterness to the Democratic spirit, and they seem almost wholly destitute of both sweetness and light, those heaven-born qualities which a great writer has described as the two angels of civilization.

I know of no political party in modern times whose record is so high and noble as the Republican party's, — of no party that has so little of which to be ashamed, and so much of which to be proud. Its faith and courage since the war, in meeting and conquering prejudice and passion, in acting firmly on the conviction that nothing is settled until it is settled right, have been even more admirable than its faith and patience and valor during the war. The upheaving of the Rebellion brought to the surface of political life some bad elements, which have begun to show themselves in political organizations. Some corrupt men have found their way into the Republican party, and some mistakes have been made; but the head and heart of the great party are sound and true, and it is still not unworthy of its noble record.

AMERICAN AGRICULTURE.

ADDRESS DELIVERED AT THE NORTHERN OHIO FAIR, CLEVELAND, OHIO,

OCTOBER 12, 1870.

MR. PRESIDENT,—We are here among the elements and forces out of which are developed the prosperity, strength, and glory of a nation. It is not in mighty armies, great navies, magnificent cities, nor indeed in any great aggregation of wealth or splendor, that we see the real strength of nations. It is rather in the mines, and shops, and farms, where all these displays of power have their origin.

When the great steamship is struggling with the tempest far out at sea, the wise man does not look at her trim decks nor her gilded cabins to determine whether she can outride the storm. He goes down into the hold, examines her ponderous engines, her stock of fuel, the strength of her great ribs, the soundness of her timbers, the thought, courage, and discipline of her crew; and if all these be in good order, he treads the deck in confidence and laughs at the storm, for he knows that a skilful pilot can take her precious cargo of human life safe into port. Jupiter, seated among the gods of Olympus, could not have hurled his red lightnings and shaken the world, had not Vulcan, in his black forges of the Cyclops, fashioned the thunderbolt out of the rough elements of the earth. I look around through these beautiful grounds, crowded with so many thousands of people and filled with such a variety of products, and say again, these are the elements, these the forces, which alone can be moulded into national wealth, power, and glory.

I know of no more fitting theme to discuss to-day than Agriculture, and its relation to National Prosperity. And first I inquire, What is national prosperity, and what are the conditions upon which it rests?

It took two hundred years to explode one most fatal error, — the theory known as the mercantile system, which is founded on the doctrine that gold and silver are the only wealth, and that all industry must be so managed as to bring more into a country than is taken out. This theory made England a nation of shopkeepers, created her colonial system, lost her her American colonies, ruined and reduced her country population by an unequal distribution of wealth. It founded great commercial corporations, and piled up vast wealth in the hands of the few, while the great body of the people were impoverished and imbruted. It led to that condition which a poet has described in the line, —

"A nation lies starving on heaps of gold."

It led Goldsmith to write that beautiful poem, "The Deserted Village," the substance of which is expressed in a single couplet, —

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay."

About the time of our Revolution, the mercantile system was exploded, and the nobler idea was reached, that wealth embraces every product of labor which ministers to the wants or comforts of man and has exchangeable value. National prosperity is a condition wherein the muscle and brain of every citizen have the freest play, and lay hold of all elements of nature and fit them for the use of man.

Wherever a blade of grass, a sheaf of wheat, a shock of corn, is produced; wherever an ore is dug from the earth, or a useful implement or machine is fashioned; wherever any product, by change of form or by transformation, is better fitted or becomes more accessible to the use of man, — there is national wealth, — there a step has been taken in the direction of national prosperity. To achieve this requires the harmonious co-operation of agriculture, manufactures, mining, commerce, and all forms of industry, which are not enemies, but friends.

To realize this idea of national prosperity, two great forces must be brought into harmonious action. These are the people and the territory, — the body and the soul of the nation. This relation is not fanciful but real. Who shall trace the manifold influence on the national character of the soil, the climate, the mountains, rivers, lakes, and the various aspects of nature? Humboldt and Ritter call these the great organic forces of civ-

ilization. The law of greatness here, as in the individual man, is a sound mind in a sound body.

And now of what kind is the body of this republic, — this land of ours? Let us study its character. Our national domain is a vast irregular triangle, washed by two historic oceans, and fringed by the greatest chain of lakes on the globe. I said it is washed by two historic oceans. The sea, the ocean, and its shores, has always been the scene of civilization. The Mediterranean Sea was the first great theatre of human progress. Around it were grouped Greece, Rome, Carthage, and other states of antiquity. When these decayed, modern nations made the Atlantic and its shores the scene of their triumphs, and it is the scene of their triumphs to-day. But the course of empire is still taking its way westward, and this new republic is now reaching toward the ancient cradle of the race. When the circle is complete, the Pacific will be the theatre of civilization. Our domain is, therefore, washed by the ocean of the present and the greater ocean of the future; and this last we shall command.

But let us look within this great domain. By what a wonderful arrangement is it watered and redeemed from desert! The surrounding seas and lakes, the currents of ocean and air, the great chains of mountains, placed as refrigerators to condense and equalize the rainfall, and the vast river systems which drain and adorn it, all indicate the grandeur of conception and perfection of design which could originate only with Him who holds the oceans in the hollow of His hands, and weighs the hills in a balance.

Exclusive of Alaska, this national domain covers three and a quarter million square miles, one twelfth of which is river and lake, and eleven twelfths land fit for human habitation. And where on the earth will you find such a vast range and variety of climate and soil? Trace the course of the Mississippi River. At its source in Minnesota the mean yearly temperature is forty degrees, while at its mouth the average is seventy-two degrees. Along its banks grow the oak, the beech, the sycamore, the willow, the bay, the cypress, the magnolia, the palmetto; and it reaches the sea among the orange groves that line the shores of the Gulf.

Who has fathomed the depths or measured the variety and richness of our mines? Take the article of coal alone, on the supply of which the greatness — I had almost said the life —

of modern nations depends. Belgium has 518 square miles of coal; France, 1,718; Spain, 3,400; Great Britain, 12,000; while the coal fields of the United States cover over 200,000 square miles of our territory.

Consider our magnificent waters and railways. Exclusive of Alaska, we have 37,000 miles of sea and lake coast, and 85,000 miles of navigable rivers, making 122,000 miles of navigable waters. Then we have over 40,000 miles of railroad, and hundreds of thousands of miles of telegraph line, which are the nerves running along the vast muscles of this gigantic body.

There is one characteristic of this domain more striking than any other. The decree is written all over it, in signs and letters which cannot be misunderstood, that it was made to be the home of one people. Its unity is proclaimed by every plain and re-echoed from every mountain, and the decree is borne along with the restless sweep of its great rivers. Who shall estimate the influence of the Mississippi River on our national policy and destiny? When the French, in 1800, obtained from the Spaniards the territory of Louisiana, President Jefferson wrote to our Minister at Paris these remarkable words: —

"There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three eighths of our territory must pass to market, and from its fertility it will erelong yield more than half of our whole produce, and contain more than half our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. . . . . The occlusion of the Mississippi is a state of things in which we cannot exist. . . . . Our circumstances are so imperious as to admit of no delay as to our course; and the use of the Mississippi so indispensable, that we cannot hesitate one moment to hazard our existence for its maintenance." [1]

The great Napoleon said, when he signed the treaty that gave us Louisiana, "This accession strengthens forever the power of the United States, and I have just given to England a maritime rival that will sooner or later humble her pride." Who shall say how great a power in saving the Union was the great lesson of unity taught by the Mississippi River to those who dwell upon its banks and the banks of its tributaries?

Such is the vast and wonderful territory, the body of the republic, whose living soul, whose inspiring life, is the forty millions of free people that inhabit and adorn it. To make this

[1] Jefferson's Works, Vol. IV. pp. 432, 457.

soul large and luminous and pure, and this body its beautiful and fitting abode, is national prosperity, is national greatness, is the highest glory to which human society has aspired. This great result can be achieved only by such institutions and laws as allow the fullest and freest play of every muscle and brain upon all the forces and elements within our national domain. We must make labor honorable, the laborer free and intelligent, and the fruit of his toil must be made safe and secure under wise and stable laws.

And what is this American population doing? How is labor distributed among the various industries?

Unfortunately, our statistics are meagre and unsatisfactory, and it will be cause of regret throughout the world that the census now being taken is not a greater improvement on that of 1860. The statistics of other countries throw some light upon the general question of the distribution of labor. By the French census of 1862, it appears that, out of the 38,000,000 of inhabitants of France, 20,000,000, or five ninths of the whole, are engaged in agriculture. Even in Great Britain, a country of small area, dense in population, and renowned for her commerce and manufactures, one third of the population are engaged in tilling the soil. The best attainable data show that three quarters of the people of the United States are engaged in agriculture. To know the condition of agriculture and the people engaged in it is, therefore, to know the situation and tendencies of three fourths of the nation. And now what has this nation been doing in regard to agriculture since the settlement of its territory began?

The wealth that had been brought into this country, and produced in it up to 1860, is estimated at $14,183,000,000, exclusive of the value of slaves, of which $8,004,000,000, or four sevenths of the whole, was agricultural wealth, thus distributed: —

Value of farms	$6,650,000,000
Farm animals	1,107,000,000
Agricultural implements	247,000,000
Total	$8,004,000,000

In other words, place in one scale the wealth of all our cities, shipping, railways, telegraphs, mines, manufactories, and our agricultural wealth placed in the other outweighed them as four to three.

The great destruction of property, North and South, during the recent war, the unusual consumption of products of industry, the loss of labor and its diversion into unproductive channels, have been estimated at $9,000,000,000; but, even with this fearful drawback, it is calculated that the national wealth has so increased that it now amounts to $24,000,000,000, of which agricultural wealth constitutes much more than half. Though this volume and distribution of capital are interesting and important, it is far more important to know what the labor of the nation is achieving year by year.

The latest estimate shows that the labor of the nation is annually producing $6,625,000,000, of which amount $3,283,000,000, nearly one half, is the direct raw products of our farms. The value of farm products is not only immeasurably greater than any other class of our products, but is nearly equal to all others combined. According to the report of the Department of Agriculture for 1868, the ten leading crops of that year, vegetable products of the farm, were valued at nearly $1,900,000,000. In this list cotton is not king; corn, hay, and wheat are each more valuable.

Consider, also, the part that agriculture plays in our foreign trade. The official report for the year ending June 30, 1870, shows that the aggregate value of our exports during the year, exclusive of gold and silver, was $436,000,000, of which $349,000,000, or over 80 per cent, was the products of the farm. Indeed, our part in the work of feeding the world was never more strikingly exhibited than in a report of the Commissioner of the Universal Exposition at Paris, in 1867, in which it was shown that the annual cereal product of sixteen kingdoms of Europe was sixteen bushels per head of the population, while the annual cereal product of the United States was over thirty-eight bushels per head. The leading kingdoms of Western Europe are gradually coming into the list of those that must be permanently fed from abroad. In the work of feeding the world, Russia is now our only formidable rival.

The foregoing facts show the relation which agriculture sustains to our national strength.

Grecian mythology tells of Antæus, a mighty giant and wrestler, son of earth and sea, who was invincible so long as he remained in contact with his mother earth. Hercules, finding the secret of his strength, lifted him into the air, and crushed

him to death. The great secret of our national strengh is in our agricultural wealth, born of earth and moisture. Lift the giant from the earth, and he is powerless; cripple our husbandry, and all other industries will languish, and the nation will limp and stagger in its march, like a wounded giant.

Farmers, I have not said these things merely to praise agriculture, nor to flatter those engaged in it. I have not sinned against the rule which Mr. Greeley lately laid down for occasions like this. I have only been trying to measure the interest which you represent. Its magnitude is stupendous, and the results you have hitherto achieved are wonderful. Will they continue and increase? This is the greatest question that can be asked or answered in regard to your work. In its discussion I may not give you much aid, — I have not sufficient knowledge for that; but I promise I will at least give you trouble, and such trouble as may lead you to seek and find a way out of it.

I do not fear being called an alarmist when I say that a most serious crisis is close at hand in the agricultural life and prosperity of the country. Some elements which have greatly aided both in the past are now about to disappear.

First. The vegetable mould, the rich gift of unnumbered centuries, is nearly exhausted. You have drawn on that bank till your credit is gone. The earth will no longer honor your drafts till you increase your deposits. The wheat centre, for example, is rapidly travelling westward. In 1860, the six New England States produced but eleven quarts of wheat per head, — enough to feed her people three weeks; New York, enough to feed her people six months; Pennsylvania, no surplus. From 1850 to 1860, in the five Middle States, the average product per acre decreased more than thirty per cent. Ohio now produces less than eleven and a half bushels per acre.

Second. Fertile lands have become very expensive, and twenty times more capital is needed now than was needed fifty years ago, to carry on the business of farming.

Third. There is a wide-spread spirit of speculation engendered by the war and its financial effects.

As a result of these and other causes, the agricultural population of the country is being divided into two distinct classes, — capitalists and laborers, owners of land and workers of land. The character of the business is so changed that the brightest and most ambitious of farmers' sons are rapidly leaving it for

other and more attractive pursuits. For many years the tendency of population has been from the country to the city; but recently this tendency has rapidly increased. It began sooner in the Old World than here, and has been the theme of much discussion there. It is said that three fifths of the population of London over twenty years of age were born in the country. Alison, the historian, says that cities are the grave of the human race, the country its cradle. He shows that in the agricultural districts of England the rate of annual mortality is eighteen to one thousand of the population, while in the cities it is forty-two to one thousand.

As the census returns come in, we see how greatly the growth of our cities is overshadowing that of the country. There is an actual falling off of population in most of the agricultural districts. In the twenty-three cities of Massachusetts that have more than ten thousand population each, the increase has been over forty per cent during the last decade; while in the rest of the State there has been a heavy decrease. This means that small farms are being consolidated into larger ones, and the humble homes of late land-owners have become the abodes of tenants or the stables of the more fortunate farmers. This process has gone on in England until one hundred and fifty men own half the soil. How far will it go on here?

But I have not stated the most serious matter yet. This has been stated broadly and strongly in one of the most thoughtful journals of this country; and, though I do not indorse it in all respects, I will read a portion of the article. I read from the Nation of July 15, 1869: —

"Probably the most puzzling phenomenon of the day to the sociologist is the growing tendency of the present generation of native Americans to abandon the country and crowd into the towns, to engage in trade and manufactures. The newspapers and poets are all busy painting the delights of the agricultural life; but the farmer, though he reads their articles and poems, quits the farm as soon as he can find any other way of making a livelihood; and if he does not, his son does. . . . .

"The European farmer and his wife, who do their own work, are peasants; that is, persons without knowledge, or ambition, or tastes, with few desires above those of the ox in their plough. The European farmer's wife has no social aspirations, no silk dresses, no piano, no monthly magazine, and no dreams or hopes of genteel existence. She is a robust animal, who handles her pots and pans, and bends over her washtub with

thorough enjoyment of her work, and without a suspicion that she is capable of anything higher or better.

"The problem which the native American farmer is trying to solve, however, is one which has never before been attempted; namely, the infusion into the agricultural calling of a degree of culture and refinement hitherto only witnessed in towns amongst any class, and never witnessed amongst our farming population at all. In fact, he is trying to live, while laboring with his hands, as only superintendents of labor live in other countries. To say that the attempt is succeeding, or seems likely to succeed, would be to fly in the face of all the facts. There rises from every farmhouse, or at least from the women of it, a wail of discontent, — a story of shattered nerves, worn-out muscles, lonely, joyless lives, which are made only the more unbearable by the glimpses which the literature of the day gives of the ease, polish, and excitement of city life, and he is a lucky farmer who gets his children to follow his calling one minute longer than they can help it." [1]

This grave allegation has been before the reading public more than a year. I have waited in vain for some answer to show that the case is wholly misrepresented, or at least greatly overstated. But I have met no denial or explanation. Mr. Greeley is the devoted friend and champion of agriculture, yet his recent chapters on farming are pastoral lamentations rather than eulogies. The substance of this grave declaration is, that thoughtful men begin to fear that the American experiment of making the farmer's home the abode of industrious, enlightened, successful, and happy citizens is likely to prove a failure; that, to make the experiment successful, there must be a class of mere farm laborers, who are to have no aspirations, no ambition, no education, no culture; and that only by the aid of these can the farmer reach the ideal at which our fathers aimed. Is this so? I do not assert it. I do not yet believe it. But it has been broadly asserted, and not yet positively and authoritatively denied. If it be true, the consequence will be appalling. The editor of a leading British magazine told me, not long since, that English mechanics had often made a fortune, but he had never known a mere farm laborer in England to rise above his class.

I told you, fellow-citizens, that I would raise questions to trouble you, and that I could not give you a full solution of them. I will endeavor, however, to point out some of the paths which, I believe, will lead to the solution.

[1] The Nation, Vol. IX. p. 45.

First, you must take Nature into your counsels, and make her your ally. The mysterious power that she has placed in seeds makes it possible for you to choose them so wisely, that from one you can, with the same labor, produce twice as much as you can from another. Make this power your servant. Explore the mysteries of soil, moisture, and sunshine, and make them your slaves. The egg of a frog and the egg of a fish may be so alike that neither chemistry nor the microscope can detect any difference; yet from the one comes a frog and from the other a fish. Through the whole animal kingdom this mystery runs. You are not wise in feeding a stunted heifer, when the same food would give you the rich and abundant product of an Alderney cow.

Again, the power of mechanics may be made your willing and efficient slave. Where by any contrivance the muscle of the brute or the force of steam can be made to serve you, you may pass up from the position of servant to that of commander. Let the brain take its full share in the work. Watch the next census, to see to what extent the use of machines has increased since 1860, and you will have a good index of the progress made in ten years in the solution of this great problem.

Once more, the diffusion of special knowledge on these subjects is of the utmost importance. The agricultural colleges will do a great work in this respect. But will their students stay on the farms? I doubt it. You must bring culture and special knowledge into the farmer's house and into his fields. For this purpose, such an exhibition as we see here to-day is of the greatest importance. This is a great school of actual, practical results, and every farmer here to-day is both a teacher and a student.

Permit me to say, in conclusion, that there are three forces that must be brought to bear in the settlement of this problem, — the home, the school, and the church, — and they are our trinity of saving influences. Among all the American products which I saw at the great Paris Exposition in 1867, none so stirred my pride as an American as the farmer's home and the schoolhouse, which some thoughtful citizen of the United States had erected on the Exposition grounds. To the European laborer we were able to say: "Go to America, and we will give you one hundred and sixty acres of land. You can build

on it such a house as this for eight hundred dollars, and there will be erected near it, at the public expense, such a school-house as that, where your children may be educated without cost to you, except in the taxes you pay." That spectacle preached a louder sermon than the guns of Gravelotte or Sedan.

Make the farmer's home the abode of industry and thrift, such as farm labor can make it; of intelligence and culture, such as our schools and public press can make it; and of purity and truth, such as a broad and unsectarian religion can make it; — and you will have solved the questions that I have raised.

And now a word to the young men who may hear me. Get intelligence, culture, and conscience; and then get ground to stand on, ground of your own, and hire out to yourself. Be your own master and pay yourself the wages you earn, and put the profits of your labor into your own pocket. Do not forever be commanded. Command something, if it be only a horse and dray. Be assured that in your own brain and arm lie your fortune and fame. Look to yourself for resources, and whatever you do, let it be only in the last extremity that you go to Washington after a clerkship.

GEN. GEORGE H. THOMAS:

HIS LIFE AND CHARACTER.

ORATION DELIVERED BEFORE THE SOCIETY OF THE ARMY OF THE CUMBERLAND AT THE FOURTH ANNUAL REUNION, CLEVELAND, NOVEMBER 25, 1870.

COMRADES OF THE ARMY OF THE CUMBERLAND, — In obedience to your order, I rise to discharge, as best I may, the most honorable and the most difficult duty which it was possible for you to assign me. You have required me to exhibit, in fitting terms, the character and career of George H. Thomas. I approach the theme with the deepest reverence, but with the painful consciousness of my inability to do it even approximate justice.

There are now living not less than two hundred thousand men who served under the eye of General Thomas; who saw him in sunshine and storm, — on the march, in the fight, and on the field when the victory had been won. Enshrined in the hearts of all these are enduring images and most precious memories of their commander and friend. Who shall collect and unite into one worthy picture the bold outlines, the innumerable lights and shadows, which make up the life and character of our great leader? Who shall condense into a single hour, the record of a life which forms so large a chapter of the nation's history, and whose fame fills and overfills a hemisphere? No line can be omitted, no false stroke made, no imperfect sketching done, which you, his soldiers, will not instantly detect and deplore. I know that each of you here present sees him in memory, at this moment, as we often saw him in life, erect and strong, like a tower of solid masonry; his broad, square shoulders and massive head; his abundant hair and full beard of light brown, sprinkled with silver; his broad forehead, full face,

and features that would appear colossal, but for their perfect harmony of proportion; his clear complexion, with just enough color to assure you of robust health and a well-regulated life; his face lighted up by an eye which was cold gray to his enemies, but warm, deep blue to his friends; not a man of iron, but of live oak. His attitude, form, and features all assured you of inflexible firmness, of inexpugnable strength; while his welcoming smile set every feature aglow with a kindness that won your manliest affection. If thus in memory you see his form and features, even more vividly do you remember the qualities of his mind and heart. His body was the fitting type of his intellect and character; and you saw both his intellect and character tried, again and again, in the fiery furnace of war, and by other tests not less searching. Thus, comrades, you see him; and your memories supply a thousand details which complete and adorn the picture. I beg you, therefore, to supply the deficiency of my work from these living prototypes in your own hearts.

No human life can be measured by an absolute standard. In this world all is relative. Character itself is the result of innumerable influences, from without and from within, which act unceasingly through life. Who shall estimate the effect of those latent forces enfolded in the spirit of a new-born child, — forces that may date back centuries and find their origin in the life, and thought, and deeds of remote ancestors, — forces, the germs of which, enveloped in the awful mystery of life, have been transmitted silently from generation to generation, and never perish! All-cherishing Nature, provident and unforgetting, gathers up all these fragments, that nothing may be lost, but that all may ultimately reappear in new combinations. Each new life is thus "the heir of all the ages," the possessor of qualities which only the events of life can unfold. The problems to be solved in the study of human life and character are therefore these: — Given the character of a man, and the conditions of life around him, what will be his career? Or, given his career and surroundings, what was his character? Or, given his character and career, of what kind were his surroundings? The relation of these three factors to each other is severely logical. From them is deduced all genuine history. Character is the chief element, for it is both a result and a cause, — a result of influences and a cause of results.

Each of these elements in the career of General Thomas throws light on the others; for throughout his life, whether we consider causes or results, there appears a harmony of proportion, both logical and beautiful, which can spring only from a genuine soul, true to itself, and therefore false to none.

From the meagre materials at our command, it appears that he was of Welsh descent on his father's side; though his ancestors resided for some time in England before they crossed the sea. Both physically and intellectually, General Thomas bore unmistakable marks of that sturdy Cambrian character which, for four centuries, defied the conquering arms of Rome, and which preserves to this day, in a small corner of Great Britain, a language, literature, and body of traditions all its own. On his mother's side he was of French origin; she having descended from the Rochelles, a Huguenot family that fled from the oppression of Louis XIV. to find an asylum in the New World. Few elements ever mingled in our national life that added such purity and brilliancy as that which the religious wars of the sixteenth century sent to us from France; and it would be difficult to form a happier combination than the honest solidity of the Welsh, joined to the genial vivacity of the French.

Both branches of Thomas's family settled in Southeastern Virginia, in the early days of that Colony, and became thoroughly imbued with the American spirit. His own birthplace and home were in that region of Southampton County, Virginia, which forms the water-shed between the James River and the streams that flow into Albemarle Sound. Southampton, like many of the counties in that region, was named by the colonists in memory of their old English home.

George Henry Thomas was born on the 31st of July, 1816. We know but little of his early boyhood beyond the fact that it was passed in a happy country home, in the society of brothers and sisters, and under the direction of cultivated parents, who ranked among the most respectable and influential of Virginia farmers. One class of influences is specially worthy of notice. There was much in the surroundings of a young Virginian at that time to make him justly proud of his own State. The glorious part she had borne in the war of independence, and in that noble statesmanship which produced the Constitution and government of the republic, was not forgotten by her young

men. But much more could be said of Virginia. When Thomas was eighteen years of age, the Constitution of the United States had been in force forty-five years; and during that period Virginia had held the Presidency thirty-two years, had filled the office of Secretary of State for more than twenty years, and had given to the nation its greatest Chief Justice for thirty-four years. These honorable evidences of leadership gave peculiar significance and popularity to the doctrine of a great Virginia statesman, embodied in the now sadly famous Resolutions of 1798, in which Virginia put forth the theory that the national Constitution was a compact between the several States, and that each State, in its own sovereign right, was the final judge of any violation of the Constitution, and also of the measure and mode of redress. During the first quarter of this century, Virginia did not see that the inevitable logic of this theory was, first, Nullification, and finally Secession. She saw in it only a safeguard against possible aggression on the part of the national government or her sister States. It was gratifying to the pride of her citizens, to look upon their proud State as a virgin queen, foremost in founding a great republic, and nobly supporting it by her sovereign will. We shall never do full justice to the conduct of Virginians in the late war, without making full allowance for the influence of these Resolutions of 1798.

When Thomas had reached the age of twenty, and had made some progress in the study of the law, his family secured him an appointment as cadet at the Military Academy at West Point. He entered in 1836, and, after a thorough and solid rather than a brilliant course, he graduated in 1840, ranking twelfth in a class of forty-two members, among whom were Sherman, Ewell, Jordan, Getty, Herbert, Kingsbury, Van Vliet, and others, who afterward attained celebrity. As a cadet, he was distinguished for what Bacon has called "round-about common sense" rather than for genius, and for the possession of an honest, sturdy nature, that accomplished whatever he undertook by thorough, intelligent, persistent hard work.

Assigned to duty on the day of graduation as second lieutenant of the Third Artillery, he served in the regular army for twenty years, during which time he rendered honorable and faithful service in the Florida war from 1840 to 1842; in command of various forts and barracks from 1842 to 1845; in the military occupation of Texas in 1845–46; in the Mexican war

from 1846 to 1848, participating in the battle of Buena Vista and in nearly all the operations of General Taylor's army; in the Seminole war in 1849–50; as instructor in artillery and cavalry at West Point from 1851 to 1854; on frontier duty at various posts in the interior of California and Texas, leading several expeditions against the Indians, from 1855 to the autumn of 1860. During these twenty years he was repeatedly brevetted for gallant and meritorious services, and rose through all the grades to a captaincy of artillery; and in 1855 was made a major of the Second Cavalry, which regiment he commanded for three years. He was wounded in a skirmish with the Indians, at the head-waters of the Brazos River, in August, 1860, and in the following November went east on a leave of absence.

Here let us pause on the threshold of the great events then impending, and inquire what manner of man Thomas had become. He was forty-four years of age; had walked for nearly a quarter of a century, steadily and uncomplainingly, in the rugged paths of a soldier's life; had made himself complete master of all the details of his profession; had honored every station he had occupied; was in turn honored by his government and his comrades; and was held in peculiar honor by the people of his own State. Virginia had presented him a splendid sword, as a recognition of his high qualities and gallant conduct in the Mexican war; and the proud aristocracy of Southampton, to which his family belonged, esteemed him a bright ornament of their society. He had scarcely reached home when the fearful portents of the storm began to appear. Sharing in the traditional sentiment of the army, that a soldier should take no part in politics, he had never identified himself with any political party, and probably had never cast a vote. But we have no reason to doubt that he shared in the general sentiments of Virginia, and deprecated any agitation which should disturb her social institutions. During the winter of 1860–61, he watched with painful anxiety the culmination of that conflict of opinion which preceded the war; and he regarded the growing political strife as a measureless outrage, in which both contestants were wrong, but in which Northern agitators were the first aggressors. The teachings of the Constitution and laws relating to the subject-matter of the contest were sadly obscured by the legal subtleties then employed to defend, or apologize for, a dissolu-

tion of the Union. The President had declared in his annual message to Congress, December 4, 1860, that "the Constitution confers upon Congress no power to coerce into submission a State that is attempting to withdraw from the Union," and that "the sword was not placed in the hands of Congress to preserve the Union by force." To the officers of the army this official declaration of their commander-in-chief amounted to a decree that, should their States secede, neither he nor they could do any lawful military act to prevent it. They had a right to regard this decree, while it remained unrevoked, as an order for the regulation of their conduct.

Before the middle of February, 1861, seven States had passed ordinances of secession; the Confederate government was actually set up at Montgomery; Southern leaders declared the Union lawfully and permanently dissolved, and that there would be no war. Looking back from our present standpoint, we can hardly understand how widespread was the opinion, both North and South, that the Union was gone, and that the government was powerless to restore it. To an officer of the army the situation was painful and perplexing to the last degree. Dissolution of the Union without war would carry with it the inevitable dissolution of the army; and, besides the shame and humiliation which an officer must feel at the ruin of a nation whose honor he had so long defended in arms, he saw that he must look about him for some new pursuit by which to earn his bread. What will Thomas do? What path will he mark out for his own feet to follow through this bewildering maze? His State had not yet seceded; but her heart was on fire, and no one knew how far she would go, nor how many would follow her in the work of ruin.

Let us consider more closely his surroundings. He was a major of the Second Cavalry, a regiment organized in 1855 by Jefferson Davis, Secretary of War, out of the *élite* of the army. Either by accident or design, three fourths of its officers were from the Slave States. Its roster, as printed in the Army Register of 1860, shows a list of names now widely notorious in the history of the war. Albert Sidney Johnston was its colonel, Robert E. Lee its lieutenant-colonel, and W. J. Hardee its senior major. Among its captains and lieutenants were Van Dorn, Kirby Smith, Jenifer, Hood, and Fitzhugh Lee. More than one third of its officers afterward became rebel generals, and

others held less conspicuous rank in the same service. The regiment had served for five years on the Indian frontier; and its officers, thus remote from the social and political centres, had lived on terms of the closest official and personal intimacy. It is difficult to overestimate the combined influence of these brilliant and cultivated men upon the sentiments and conduct of each. We have seen already how strong were the influences of family, neighborhood, and early life that bound Thomas to his State. All these were now thrown violently into the Southern scale. Besides the fact that his wife was a patriotic Northern lady, there was scarcely a countervailing force in the whole circle of his domestic and social life. Given these facts and the impending conflict, what will be the conduct of a man possessing clear perceptions, high character, and real nerve? He would be less than a man who could choose his path without the keenest suffering. Only a man of the highest type could comprehend all, suffer all, and, resolutely striking through the manifold entanglements of the problem, follow, with steady eye and unfaltering step, the highest duty. While the contest was confined to the politicians, and found expression only in constitutional theories and legal subtleties, the wisest might well be perplexed. But the flash of the first gun revealed to the clear intellect of Thomas the whole character and spirit of the controversy; and his choice was made in an instant. Relinquishing the remainder of his leave of absence, he reported for duty at Carlisle Barracks, Pennsylvania, April 14, the day that our flag went down at Sumter, and less than forty-eight hours after the first shot was fired.

His regiment, betrayed in Texas by the treachery of General Twiggs, had come north to be reorganized and equipped, and he entered at once upon the work. Three days after his arrival at Carlisle, by fraud and intrigue in her convention, Virginia resolved herself out of the Union; and (pending a ratification of the act by a popular vote to be taken on the 23d of May) formed a treaty offensive and defensive with the rebel government of Jefferson Davis. The Resolutions of 1798 had borne their bitter fruits. The same day, Governor Letcher, as the chief of a "sovereign State," issued his proclamation calling upon "all efficient and worthy Virginians in the army of the United States to withdraw therefrom, and enter the service of Virginia." Three days later, April 20, Robert E. Lee resigned

his commission, after a service of thirty years, and his example was followed by hundreds of Southern officers. With but two exceptions, all the officers from seceded States who belonged to the Second Cavalry joined the rebellion. Thomas was one of the two. While his brother officers were leaving, and at once taking high commands in the rebel army, a comrade asked Thomas what he would do if Virginia should vote to secede. "*I will help to whip her back again*," was his answer.

On the 23d of May, the people of Virginia enacted the mockery of an election, to ratify her secession from the Union against which she had already taken up arms. Their overwhelming vote in favor of secession swept away from our army nearly all the Virginians who had not left in April. With the news of this election there came to Thomas the passionate appeals of his family and friends, the summons of his State to join her armies, and the threatening anathemas of them all in case he should refuse. He answered by leaving Carlisle Barracks on the 27th of May, and leading a brigade from Chambersburg across Maryland to Williamsport, and, on the 16th of June rode across the Potomac in full uniform, at the head of his brigade, to invade Virginia and fight his old commanders; and, a few days later, he led the right wing of General Patterson's army in the battle of Falling Waters, where the rebels under Stonewall Jackson were defeated. Such was the answer that Thomas made to the demands of rebellion.

Before leaving this period in the life of General Thomas, it is due to his memory and to the truth of history that I should notice an attempt which was first made in the South, amidst the passions of war, to throw a shadow on his good name, by declaring that he sought service on the rebel side, and only determined to stand by the Union when he failed to receive such rank as he desired among her enemies.

When peace reopened intercourse between the North and South, these voices of calumny were silent, and remained so as long as Thomas was alive to answer. But when he was dead, his defamers ventured again to speak. The spectacle of a grateful nation standing in grief around his honored grave awakened to new energy the envy and malice of those who had staked all, and lost all, in the mad attempt to destroy that republic which Thomas had so powerfully aided to save. I should dishonor his memory were I even to notice the wicked assaults

made upon him in rebel journals by writers who withheld their names, or shielded themselves behind the impersonality of a newspaper editorial. One attack, however, — and, so far as I know, only one, — has had the indorsement of a responsible name. The Richmond (Virginia) Dispatch, of April 23, 1870, contains a letter from Fitzhugh Lee, late a general in the rebel army, and before the war a lieutenant in the regiment of which Thomas was major, in which Lee asserts, that just before the war Thomas's feelings were strongly Southern; that in 1861 he expressed his intention to resign; and about the same time sent a letter to Governor Letcher, offering his services to Virginia.

To this statement I invite the most searching scrutiny. That prior to the war the sentiments of Thomas were generally in accord with those which prevailed in Virginia, and that he strongly reprobated many of the opinions and much of the conduct of Northern politicians, were facts well known to his friends, and always frankly avowed by himself. That in the winter of 1860–61 he contemplated the resignation of his commission, we have no proof except the declaration of Fitzhugh Lee. But it would not be in the least surprising or inconsistent if, at that time, it seemed to him more than probable that disunion would be accomplished, and the army dissolved by political action and without war. Should that happen, he must perforce abandon his profession and seek some other employment. If it should appear that at that time he made inquiries looking toward a prospective employment as professor in some college, the fact would only indicate his fear that the politicians would so ruin both his country and its army that the commission of a soldier would be no longer an object of honorable desire. The charge that he ever offered or proposed to offer his sword to Virginia, or to any rebel authority, except point foremost, and at the head of his troops, is utterly and infamously false. Not a shadow of a proof has ever been offered, nor can it be. When Fitzhugh Lee's letter was published, he was challenged on all sides to produce the letter which he alleged Thomas had written, tendering his services to the rebellion. His utter failure to produce any such letter, or any proof that such a letter was ever written, is a complete refutation of the charge.

A few weeks after his first assault, Lee did indeed publish

what purports to be a letter written by General Thomas, dated New York City, January 18, 1861. Whether this letter is genuine or not, and, if genuine, whether printed as it was written, we have no other evidence than our faith in those who received and published it. But waiving the question of its genuineness, and of the correctness of the printed text, I appeal to the letter itself. It is not addressed to Governor Letcher, nor to any rebel authority; nor does the writer tender his services to Virginia, or to any government or person. It is a letter addressed to a gentleman who had advertised in the newspapers for some one to fill a professorship in a military college in Virginia. The letter inquires what salary pertains to the situation. It expresses no intention or willingness to resign; and states, as the writer's reason for making the inquiry, that, from present appearances, he fears it will soon be necessary for him to be looking up some means of support. This letter strongly confirms the views I have taken of General Thomas's character and feelings.

Since the publication of Lee's letters, testimony has come from all quarters which annihilates forever all ground for this charge; and now, while the witnesses are living, I desire to put on record at least a small portion of their testimony. General Hartsuff, now and for many years a soldier of whom the nation is proud, writes that he saw Thomas many times, near the close of 1860, in the city of New York, and heard him discuss the state of the country, in company with many officers who afterward went into the rebel army. He says: —

"General Thomas was strong and bitter in his denunciations against all parties North and South that seemed to him responsible for the condition of affairs. . . . . But while he reprobated, sometimes very strongly, certain men and parties North, in that respect going as far as any of those who afterward joined the rebels, he never, in my hearing, agreed with them respecting the necessity of going with their States; but he denounced the idea, and denied the necessity, of dividing the country, or destroying the government. This was before the actual secession of any of the States, when the prospect of war was not strong."

These statements of General Hartsuff are abundantly corroborated by other testimony. Let it be remembered that the question is not what were General Thomas's opinions of the political causes that led to the war, nor who was at fault in bringing on the agitation; but, Did he give any countenance,

sympathy, or support to the idea of disunion, or of war against the government?

Listen to the testimony of General R. W. Johnson, for many years a gallant soldier of our army, and now an honored member of this Society: —

"After the surrender in Texas, my regiment (of which Thomas was major) concentrated at Carlisle Barracks. I was intimately associated with General Thomas from that time until the close of the war. During the Patterson campaign we messed together, and frequently conversed freely together in regard to the war. I remember to have asked him what he should do if Virginia seceded. His reply was characteristic of the man: 'I will help to whip her back again.' General Thomas never flinched, nor faltered, nor wavered in his devotion to his country."

General Patterson, under whose command Thomas performed his first duty in the field, in May and June, 1861, says of him: —

"General Thomas contemplated with horror the prospect of a war between the people of his own State and the Union; but he never for a moment hesitated, never wavered, never swerved, from his allegiance to the nation that had educated him and whose servant he was. From the beginning I would have pledged my hopes here and hereafter on the loyalty of Thomas. . . . . He was the most unselfish man I ever knew; a perfectly honest man, who feared God and obeyed his commandments."

What weightier testimony can be conceived than that of his classmate and friend of many years, the General of our Army, the great soldier with whom Thomas served so grandly in the darkest hours of the war? General Sherman has favored me with a letter, from which I quote. After stating that he went to Williamsport to visit Thomas early in 1861, he says: —

"It was June 16th, the very day Patterson's army crossed the Potomac. I had a long personal conversation with Thomas that day, and after discussing the events that then pressed so heavily on all who dreaded civil war, especially the course taken by our friends who had abandoned our service and gone South, I asked him how he felt. His answer was emphatic: 'I have thought it all over,' he said, 'and I shall stand firm in the service of the government.'"

General Sherman also writes, under date of August 1, 1870: —

"I have seen the letters published by Fitzhugh Lee, sustaining the assertion that, at the outset of our civil war, Thomas leaned to the South. I understand the state of his mind at that dreadful crisis, and see how a

stranger might misconstrue him. At the time to which Fitzhugh Lee alludes, the Buchanan administration was in power, and had admitted that the Federal government could not coerce a sovereign State; and his Cabinet did all they could to make army officers feel insecure in their offices. The Northern politicians, as a rule, had been unfriendly to the army, and when the election of Lincoln and Hamlin was complete, they (the officers) naturally felt uneasy as to their future, and cast about for employment. Several of them, I among the number, were employed at the military colleges of the South, and it was natural that Thomas should look to his friend, and our classmate, Gilham, then employed at Frank Smith's military school at Lexington, Virginia. Thomas also entertained, as you must know, that intense mistrust of politicians to which the old army was bred, and feared the complications of 1860 would result in some political compromise or settlement, if not in a mutual agreement to separate; in which case it is possible he would have been forced for a support to have cast his lot with the Southern part. It is more than probable that, at the mess-table, Thomas may have given vent to some such feelings and opinions, then natural and proper enough. But as soon as Mr. Lincoln was installed in office, and manifested the deep feeling of love for all parts of the country, — deprecating civil war, but giving the key-note that the Union should be maintained, even if it had to be fought for, and that forcible secession was treason, — then Thomas, like all national men, brushed away the subtleties of the hour, saw clearly his duty, and proclaimed it, not by mere words, but by riding in full uniform at the head of his regiment and brigade, invading without a murmur his native State, and commanding his men to put down forcible resistance by the musket."

This just and masterly analysis is more than sufficient to settle the whole controversy. But I cannot dismiss the subject without opposing to his slanderers the stainless shield of Thomas himself, — his own unimpeachable words, recorded by Colonel A. L. Hough, his confidential aid at the time they were spoken.

"A slander upon the General was often repeated in the Southern papers during and immediately subsequent to the rebellion. It was given upon the authority of prominent rebel officers, and not denied by them. It was to the effect that he was disappointed in not getting a high command in the rebel army he had sought for; hence his refusal to join in the rebellion. In a conversation with him on this subject, the General said this was an entire fabrication, not having an atom of foundation; not a line ever passed between him and the rebel authorities; they have no genuine letter of his, nor was a word spoken by him to any one that could even lead to such an inference. He defied any one to produce

any testimony, written or oral, to sustain such allegation; he never entertained such an idea, for his duty was clear to him from the beginning."

Among these utterances of General Thomas, one brief sentence, simple and sublime, is an epitome of his character and life. It is this: "My duty was clear from the beginning of the war."

It is not enough to compare the conduct of Thomas at this trying period with that of Northern officers who remained true to the flag. The real measure of his merit is found by comparing him with such men as Lee and Johnston. Let us compare and contrast the conduct of Thomas with that of Robert E. Lee, who became the military chief and idol of the Southern Confederacy, and who, by the verdict of both friends and enemies, possessed many high qualities.

We have seen that, on the 20th of April, Lee resigned his commission. On the same day, he wrote to a relative words which will remain forever as the most veritable picture of his character: —

"The whole South is in a state of revolution, into which Virginia, after a long struggle, has been drawn; and though I recognize no necessity for this state of things, and would have forborne and pleaded to the end for redress of grievances, real or supposed, yet in my own person I had to meet the question whether I should take part against my native State. With all my devotion to the Union, and the feelings of loyalty and duty of an American citizen, I have not been able to make up my mind to raise my hand against my relatives, my children, and my home. I have therefore resigned my commission in the army," etc.

Lee here avows his devotion to the Union, his feelings of loyalty and obligation as an American citizen, and declares that there was no necessity for the rebellion; and yet, after these confessions and declarations, which surrender utterly and forever all grounds for the justification of his conduct, he abandons his government, and offers his sword to Virginia and to that rebellion which he neither justified nor approved.

Like Lee, Thomas deplored the suicidal strife, and denied the justice or necessity of rebellion. Like Lee, he was warmly attached to his family and friends, to Virginia and her glorious traditions. Like Lee, he acknowledged his obligations to the great republic, of which all the people of Virginia were citizens, and to the support and defence of which he had registered his

solemn oath when he became a soldier. But, unlike Lee, when the supreme hour of trial came, he rose to the full height of the great occasion, and, esteeming the sanctity of his oath and the life of the republic more precious than home, or kindred, or State, drew his sword to put down a rebellion which, even by Lee's confession, was both unnecessary and indefensible.

There was one thing in Lee's conduct which would have been impossible to Thomas's nature. Though Lee wrote his resignation on April 20th, it was not accepted by the Secretary of War till the 25th; and the letter of the Adjutant-General informing him of its acceptance was not written till the 27th. Yet on the 23d of April Lee accepted the appointment of Major-General from the rebel Governor of Virginia, and the same day issued and published a general order assuming command of the military and naval forces of that State, which forces, five days before, had attacked the troops of the United States at Harper's Ferry, and also at the Gosport navy yard, and were at that moment levying war against the government which he had solemnly sworn to defend "against all its enemies and opposers whatsoever." Instead of keeping this oath, he assumed command of the armed enemies of the Union two days before his contract of service was cancelled, — a contract which he had lately renewed by accepting from Abraham Lincoln the commission of Colonel in the army of the United States.[1]

If there had been no other sufficient motive, the religious respect with which Thomas regarded his oath would alone have prevented him from following the example of Lee. I conclude the discussion of this topic by declaring what I doubt not will be the just and unalterable verdict of history, that this was no doubting Thomas; that he did not need to behold the bleeding wounds of his country before he believed, for his "duty was clear from the beginning," and he followed it without a murmur. Both these men are in their graves, and the judgment of mankind will finally assign them their places in history. For the verdict, I confidently appeal from the Virginia of to-day to the Virginia of the future.

After serving through the brief campaign of the Shenandoah, General Thomas entered upon a wider field of action, and began that career which his country knows by heart. It is not possible, within the limits of this address, to give more than the most

[1] See Appendices to this Oration.

meagre outline of his military services during the war for the Union. I shall, therefore, attempt no more than to state the nature and scope of his work, and to consider some of the qualities which he exhibited while performing it.

The fame of General Thomas as a soldier is linked forever with the history of the Army of the Cumberland; for in 1861 he mustered in and organized its first brigade, and in 1865, at Nashville, the scene of his greatest victory, he passed in farewell review, and mustered out of the service, more than one hundred and thirty thousand of its war-worn veterans.

The Department of the Cumberland, embracing, at first, only Tennessee and Kentucky, was created by the War Department, August 15, 1861, and General Robert Anderson placed in command. At Anderson's request, Sherman, Thomas, and Buell were made Brigadier-Generals of Volunteers, and assigned to his command. The remainder of 1861 was the period of organization. The first month's work that Thomas performed in the department was at Camp Dick Robinson, where he mustered into service eleven regiments and three batteries of Ohio, Indiana, Kentucky, and Tennessee troops. These he organized into the First Brigade, which formed, first, the nucleus of the division, then of the corps, and finally of the great army which he afterward commanded so long.

In order to appreciate the career of General Thomas, it is necessary to comprehend, not only the magnitude of the work to be accomplished by the Army of the Cumberland, but also the relation which that army and its work sustained to the other great armies of the Union.

It is now easy to see that, between the Northern and Southern States, there are three great natural pathways of invasion; and that, to put down the rebellion, it was necessary that each of these be traversed and held by a great army. The first was the long and narrow slope from the chain of the Alleghany and Cumberland Mountains to the Atlantic coast. The second was the great Western slope from the same mountain chain to the Ohio, the Tennessee, and the Tombigbee Rivers, and extending southward to the Gulf. The third was the Mississippi River itself, and the immediate territory along its banks. Peculiarities of topography and surroundings required for each of these lines different modes of supplying an army and of conducting campaigns.

The army of the East, which operated on the first line, was in great part supplied from the sea, and many of its operations were carried on in conjunction with the navy. The army on the third, or western line, was supplied from the Mississippi River, and the gun-boat service formed a novel and important feature in its military operations. The Army of the Cumberland held the centre line, which was in many respects the most difficult of all. There could be but little naval co-operation with its movements, and only for a short distance could it be supplied by river transportation. Its main supply was by a single line of railroad, running hundreds of miles among a hostile population, and requiring a heavy force for its protection. The great central pathway led into the heart of the rebellion. It crossed the only line of railway (the Memphis and Charleston) which united the Eastern and Western States of the Confederacy. Extraordinary obstacles lay in the pathway of an army moving southward over this central route. Besides the broad and deep rivers which cross it, the great mountain chain itself, bending sharply near the Georgia line, sweeps westward until it loses itself in the low sand-hills and plains of Alabama and Mississippi, thus presenting a most formidable barrier to an army invading the Gulf States. The great gateway of the mountain chain is at Chattanooga, where the Tennessee River bursts through the barrier.

Nothing more strikingly illustrates the military genius and foresight of General Sherman, than the fact that, so early as October, 1861, he comprehended the vastness of the struggle upon which the nation had entered, and the vital importance of this central line of operation. At that time, being in command of the Department of the Cumberland, he sent to the War Department his estimate: "That to advance on the line of the Louisville and Nashville Railroad would require an army of at least sixty thousand men; and to advance the great line of the centre to its ultimate objective, and reap the legitimate rewards, would require an army of two hundred thousand men."

This estimate was not only construed to his prejudice by the authorities at Washington, but you will remember that the public journals regarded his views as a conclusive evidence of insanity! At his own request, Sherman was relieved of the command, and on the 15th of November went to duty in an-

other department, not to return again to the great line of the centre until the country and its authorities had been educated up to his views of 1861. On the 15th of November, General Buell was placed in command of the department; and, as if to narrow the field of operations and restrict the views which General Sherman had expressed, the name of the department was changed, by order of the Secretary of War, to "The Department of the Ohio."

The rebel authorities early saw the vital importance of pushing as far North as possible on this central line; and before the end of 1861 they had established themselves in force on a line extending from the base of the Cumberland Mountains, by way of Bowling Green, Forts Donelson and Henry, to Columbus on the Mississippi. While the forces at Cairo, under General Grant, were threatening the left of this line at Columbus, and General Buell's main force was preparing to move on Bowling Green against Albert Sidney Johnston, who commanded the centre and right, a rebel movement was in progress in Eastern and Southern Kentucky, which threatened the left and rear of General Buell's army, and would seriously disturb its movement against Johnston. In the early autumn of 1861 the rebel authorities had organized a brigade in Eastern Tennessee and Southwestern Virginia, for the special purpose of guarding the mountain passes at Pound Gap and Cumberland Gap. Before the end of the year they had also organized two active forces to operate in front of these gaps, — one under Marshall, which moved from the neighborhood of Pound Gap down the Sandy Valley, and the other, a larger force, under Zollicoffer, which occupied the road leading from Cumberland Gap to Lexington.

The first work of General Buell's campaign was to drive back these forces, and occupy the two mountain passes, in order to protect his flank and rear. General Thomas had been placed in command of the First Division of the army, and on the 31st of December was ordered to move against Zollicoffer. In pursuance of this order he fought and won the battle of Mill Springs, January 19, 1862, which was by far the most important military success that had yet been achieved west of Virginia, and which, with the exception of the defeat of Marshall, near Prestonburg, nine days before, was the first victory in the department. In this battle General Thomas laid the foundation of his fame in the army of the centre. It was the largest and

most important command that he had held up to that time, and his troops came out of the fight with the strongest confidence in his qualities as a commander. This battle fully launched him upon his career; and from that time to the end of the war his life was so crowded with events, that I can do no more than note the stages of command and responsibility through which he passed; and even this I do only to recall it to your minds as a subject of reflection.

From the 30th of November, 1861, to the 30th of September, 1862, he commanded a division of General Buell's army without intermission, except that during the months of May and June he commanded the right wing of the Army of the Tennessee, in and around Corinth. On the 30th of September, 1862, he was appointed second in command of the Army of the Ohio, and served in that capacity in the battle of Perryville, and until October 30, 1862, when the old name of "Department of the Cumberland" was restored, and General Rosecrans assumed command. That officer reorganized the army then known as the "Fourteenth Army Corps" into three distinct commands, — right, left, and centre, — and assigned Thomas to the centre, which consisted of five divisions. He held this command in the battle of Stone River, and until the 9th of January, 1863, when, by order of the War Department, the three divisions of the army were made army corps. One of these, the Fourteenth Army Corps, Thomas commanded during the campaigns of Middle Tennessee and Chickamauga, which resulted in driving the rebels beyond the Tennessee River, and gaining possession of Chattanooga. On the 19th of October, in obedience to orders from the War Department, he relieved General Rosecrans, and assumed command of the Army of the Cumberland. Soon afterward two other armies, Sherman's and Schofield's, were brought to Chattanooga, the three forming a grand army under General Grant, for the purpose of pushing the rebels farther south on the great line of the centre. The Army of the Cumberland, consisting of four corps, formed the centre of the grand army. In this position Thomas commanded it at the storming of Missionary Ridge, and in that series of masterly movements and battles in Georgia which resulted in the capture of Atlanta, September 1, 1864. On the 27th of September, Thomas was ordered to Tennessee to protect the department against the invasion of Hood. While in this command he conducted the

operations which resulted in the combats along Duck River; the battle of Franklin, November 30; the destruction of Hood's army in the battle of Nashville, December 15 and 16, 1864; and finally, in the capture of Jefferson Davis in May, 1865. From June, 1865, to May, 1869, he commanded most of the territory which had been the theatre of his service during the war; and on the 15th of May, 1869, he started for San Francisco, where he remained in command of the Military Division of the Pacific until the date of his death, March 28, 1870. He was appointed Major-General of Volunteers, April 25, 1862; Brigadier-General in the Regular Army, October 27, 1863, and Major-General, December 15, 1864.

In the presence of such a career, let us consider the qualities which produced it and the character which it developed.

We are struck, at the outset, with the evenness and completeness of his life. There were no breaks in it, no chasms, no upheavals. His pathway was a plane of continued elevation. It was so at the Military Academy. Slowly, but steadily and thoroughly, he worked up the sturdy materials of his nature into that strength and harmony which culture alone can produce. At the end of his first year, on the basis of general merit, he ranked twenty-sixth in his class. Each year witnessed an upward movement. At the end of his course he stood twelfth in his class. He was successively corporal, sergeant, and lieutenant of cadets. The rules of the Academy make the slightest irregularity of conduct or appearance a ground for demerit; and many cadets were marked hundreds of demerits in the course of a year. Thomas had but twenty during his first year, nineteen the second, eighteen the third, and fourteen the fourth. In the army he never leaped a grade, either in rank or command. He did not command a company until after long service as a lieutenant. He commanded a regiment only at the end of many years of company and garrison duty. He did not command a brigade until after he had commanded his regiment three years on the Indian frontier. He did not command a division until after he had mustered in, organized, disciplined, and commanded a brigade. He did not command a corps until he had led his division in battle and through many hundred miles of hostile country. He did not command the army until, in battle, at the head of his corps, he had saved the army from ruin.

This regular and steady advancement was suited to the character of his mind and the habits of his life. When, in September, 1862, he was offered the command of the Army of the Ohio, he peremptorily declined it, and urged the retention of General Buell. It would have violated his law of growth to leap from a division to the head of an army, without first having assured himself, by actual trial, that he could handle a corps. The law of his life was greater than his love of fame.

In such a career, it is by no means the least of a man's achievements to take his own measure, to discover and understand the scope and range of his own capacity. Probably the best gauge of military ability is found in the number of troops that a man can handle wisely and well in battle. The most successful soldier of our war has said that, when he accepted the command of his Illinois regiment, he deeply distrusted his ability to handle so large a number of men. He knew he could handle a company, for he had done that in Mexico; but how much higher his range extended he did not know. General Sherman has expressed the opinion that no man can effectually handle more than seventy thousand men in battle, in a wooded country like ours. Thomas was right in declining to command the Army of the Ohio in 1862. A year later he had tested himself, and was ready to bear greater responsibility.

His career was not only great and complete, but, what is more significant, it was in an eminent degree the work of his own hands. It was not the result of accident or happy chance. I do not deny that in all human pursuits, and especially in war, results are often determined by what men call fortune, — "that name for the unknown combinations of infinite power." But this is almost always a modifying rather than an initial force. Only a weak, a vain, or a desperate man will rely upon it for success. Thomas's life is a notable illustration of the virtue and power of hard work; and in the last analysis the power to do hard work is only another name for talent. Professor Church, one of his instructors at West Point, says of his student life, that "he never allowed anything to escape a thorough examination, and left nothing behind that he did not fully comprehend." And so it was in the army. To him a battle was neither an earthquake, nor a volcano, nor a chaos of brave men and frantic horses involved in vast explosions of gunpowder. It was rather a calm, rational concentration of force against force. It was a

question of lines and positions,— of weight of metal and strength of battalions. He knew that the elements and forces which bring victory are not created on the battle-field, but must be patiently elaborated in the quiet of the camp, by the perfect organization and outfit of his army. His remark to a captain of artillery while inspecting a battery is worth remembering, for it exhibits his theory of success: "Keep everything in order, for the fate of a battle may turn on a buckle or a linch-pin." He understood so thoroughly the condition of his army and its equipment that, when the hour of trial came, he knew how great a pressure it could stand, and how hard a blow it could strike.

His character was as grand and as simple as a colossal pillar of chiselled granite. Every step of his career as a soldier was marked by the most loyal and unhesitating obedience to law, — to the laws of his government and to the commands of his superiors. The obedience which he rendered to those above him he rigidly required of those under his command. His influence over his troops grew steadily and constantly. He won his ascendency over them neither by artifice nor by any one act of special daring, but he gradually filled them with his own spirit, until their confidence in him knew no bounds. His power as a commander was developed slowly and silently; not like volcanic land lifted from the sea by sudden and violent upheaval, but rather like a coral island, where each increment is a growth, — an act of life and work.

Power exhibits itself under two distinct forms, — strength and force, — each possessing peculiar qualities, and each perfect in its own sphere. Strength is typified by the oak, the rock, the mountain. Force embodies itself in the cataract, the tempest, the thunderbolt. The great tragic poet of Greece, in describing the punishment of Prometheus for rebellion against Jupiter, represented Vulcan descending from heaven, attended by two mighty spirits, Strength and Force, by whose aid he held and bound Prometheus to the rock. In subduing our great rebellion, the republic called to its aid men who represented many forms of great excellence and power. A very few of our commanders possessed more force than Thomas, — more genius for planning and executing bold and daring enterprises; but, in my judgment, no other was so complete an embodiment and incarnation of strength, — the strength that resists, maintains, and endures. His power was not that of the cataract, which leaps

in fury down the chasm, but rather that of the river, broad and deep, whose current is steady, silent, irresistible.

It was most natural that such a man should be placed in the centre of movements. The work to be accomplished on the great line of the centre was admirably adapted to the military character of Thomas. To advance steadily and to stay — to occupy and to hold — was the business of the Army of the Cumberland from first to last. It is a significant fact, that, from the autumn of 1862 till the autumn of 1864, — from Bowling Green to Atlanta, — whether commanding a division, a corps, or an army, his position on the march and his post in battle was the centre. And he was placed there because it was found that, when his command occupied the centre, that centre could not be broken. It never was broken. At Stone River he was the unmoved and immovable pivot, around which swung our routed right wing. As the eye of Rosecrans, our daring and brilliant commander, swept over that bloody field, it always rested on Thomas, as the centre of his hope. For five days Thomas's command stood fighting in their bloody tracks, until twenty per cent of their members were killed or wounded, and the enemy had retreated. But it was reserved for the last day at Chickamauga to exhibit, in one supreme example, the vast resources of his prodigious strength.

After a day of heavy fighting and a night of anxious preparation, General Rosecrans had established his lines for the purpose of holding the road to Chattanooga. This road was to be the prize of that day's battle. If our army failed to hold it, not only was our campaign a failure, but inevitable destruction awaited the army itself. Rosecrans had crossed the Tennessee, and had successfully manœuvred the enemy out of Chattanooga. The greater work remained, to march his own army into that place, in the face of Bragg's army, heavily reinforced, and greatly outnumbering his own.

The Rossville road — the road to Chattanooga — was the great prize to be won or lost at Chickamauga. If the enemy failed to gain it, their campaign would be an unmitigated disaster; for the gateway of the mountains would be irretrievably lost. If our army failed to hold it, not only would our campaign be a failure, but almost inevitable destruction awaited the army itself. The first day's battle (September 19), which lasted far into the night, left us in possession of the road; but all knew

that the next day would bring the final decision. Late at night, surrounded by his commanders, assembled in the rude cabin known as the Widow Glenn's House, Rosecrans gave his orders for the coming morning. The substance of his order to Thomas was this: "Your line lies across the road to Chattanooga. That is the pivot of the battle. Hold it at all hazards; and I will reinforce you, if necessary, with the whole army."

During the whole night, the reinforcements of the enemy were coming in. Early next morning, we were attacked along the whole line. Thomas commanded the left and centre of our army. From early morning, he withstood the furious and repeated attacks of the enemy, who constantly reinforced his assaults on our left. About noon, our whole right wing was broken, and driven in hopeless confusion from the field. Rosecrans was himself swept away in the tide of retreat. The forces of Longstreet, which had broken our right, desisted from the pursuit, and, forming in heavy columns, assaulted Thomas's right flank with unexampled fury. Seeing the approaching danger, he threw back his exposed flank toward the base of the mountain and met the new peril.

While men shall read the history of battles, they will never fail to study and admire the work of Thomas during that afternoon. With but twenty-five thousand men, formed in a semicircle of which he himself was the centre and soul, he successfully resisted for more than five hours the repeated assaults of an army of sixty-five thousand men, flushed with victory, and bent on his annihilation. Toward the close of the day, his ammunition began to fail. One by one his division commanders reported but ten rounds, five rounds, or two rounds left. The calm, quiet answer was returned: "Save your fire for close quarters, and when your last shot is fired, give them the bayonet." On a portion of his line, the last assault was repelled by the bayonet, and several hundred rebels were captured. When night had closed over the combatants, the last sound of battle was the booming of Thomas's shells bursting among his baffled and retreating assailants. He was, indeed, the "Rock of Chickamauga," against which the wild waves of battle dashed in vain. It will stand written forever in the annals of his country, that there he saved from destruction the Army of the Cumberland. He held the road to Chattanooga. The campaign was successful. The gate of the mountains was ours.

Time would fail me to notice other illustrations of his qualities, as exhibited at the storming of Missionary Ridge, and during the "hundred days under fire" in the great march from Chattanooga to Atlanta. Later in the war, there awaited him a test in some respects more searching than any that had yet tried him.

On the 27th of September, 1864, he was ordered by General Sherman to return with a portion of his army into Tennessee, and defend the department against Hood's invasion. By the end of October, Sherman had determined to cut loose from his base and march to the sea. For this service he selected the flower of his grand army, including two of the best corps of Thomas's army. By the 5th of November, Hood was encamped on the banks of the Tennessee with forty thousand infantry and not less than twelve thousand of the best cavalry in the rebel service. Thus Thomas was confronted by that veteran army which had so ably resisted Sherman's army on its march to Atlanta. At the same date, Thomas had an effective force of but twenty-three thousand infantry and seven thousand cavalry. Convalescents and dismounted cavalry were coming back to him from Atlanta; raw recruits were arriving from the North, and two divisions were *en route* from Missouri. The problem before him was how to delay the advance of the enemy until he could organize a force strong enough to win a battle.

The history of this campaign is too well known to need repetition here. I allude to it only to exhibit his characteristics as a soldier. After the skilful resistance at Duck River and Spring Hill, and the remarkably brilliant and bloody battle at Franklin, he found Hood's army in front of Nashville on the 1st of December. With his accustomed care, he had measured the force of the opposing armies and determined that by one plan only could he achieve certain success. That plan required him to delay the battle until he could get his new and improvised army fully in hand, and could organize a cavalry force to secure the fruits of victory. The authorities at Washington, fearing the breaking up of our communications with Chattanooga, and perhaps another invasion of Kentucky, were dissatisfied with his delay, and urged him to give battle immediately. He knew, better than any other could know, the law of his own mind, and the methods by which he had a right to expect success. The 9th of December came, and with it the intelligence that an order

was prepared to suspend him from command and to require another to make the attack. It may well be questioned whether his response to this intelligence will not confer more glory on his name than the winning of a battle. In his despatch of December 9th to General Halleck, he said: —

"Your despatch of 10.30 A. M. this date is received. I regret that General Grant should feel dissatisfaction at my delay in attacking the enemy. I feel conscious that I have done everything in my power to prepare, and that the troops could not have been got ready before this; and if he should order me to be relieved I will submit without a murmur. A terrible storm of freezing rain has come on since daylight, which will render an attack impossible until it breaks."

On receiving this despatch, General Grant answered him that he had telegraphed to suspend the order relieving him, and in conclusion said, "I hope most sincerely that the facts will show that you have been right all the time."

On the 11th, however, he received from General Grant a peremptory order to "delay no longer for weather or reinforcements." Still the storm raged, and Nashville was locked in ice. On the 12th, he attempted to form his lines for battle; but the ground was so thickly incrusted with ice, that his troops could neither ascend the slopes nor move in good order on level ground. That night, he stated the situation to General Halleck, in a telegram which concluded with these words: "Under these circumstances, I believe that an attack at this time would only result in a useless sacrifice of life." Not until the morning of the 15th did he deem it possible to win a battle. That morning the Lieutenant-General had started from City Point, Virginia, on his way to Nashville to assume the command himself; but at Washington, the news reached him of the first day's fight. On the evening of the 16th, Thomas had substantially destroyed the army of Hood.

In reviewing these transactions there would be no justice in crimination or recrimination,— in blaming the living in order to praise the dead. It was the spectacle of two able commanders, each true to himself, each honoring the other while following his highest convictions of duty;—the one impelled by the wishes of his superiors, the President and Secretary of War, and by his own judgment of the situation, to deliver immediate battle; the other preferring to lose his command rather than

to sacrifice his army, — to *be* right rather than *seem* so. Of Thomas's conduct on this trying occasion, our comrade General Cox, who bore so noble a part in the Nashville campaign, has well said: "He waited with immovable firmness for the right hour to come. It came, and with it a justification of both his military skill and his own self-forgetful patriotism, so complete and glorious that it would be a mere waste of words to talk about it." General Grant himself has officially put it on record, that the defeat of Hood was the vindication of Thomas's judgment.

Nashville was the only battle of our war which annihilated an army. Hood crossed the Tennessee late in November, and moved northward with an army of fifty-seven thousand veterans. Before the end of December twenty-five thousand of that number were killed, wounded, or captured; thousands more had deserted, and the rabble that followed him back to the South was no longer an army.

In summing up the qualities of General Thomas, it is difficult to find his exact parallel in history. His character as a man and a soldier was unique. In some respects he resembled Zachary Taylor; and many of his solid qualities as a soldier were developed by his long service under that honest and sturdy commander. In patient attention to all the details of duty, in the thoroughness of organization, equipment, and discipline of his troops, and in the powerful grasp by which he held and wielded his army, he was not unlike, and fully equalled Wellington. The language applied to the Iron Duke by the historian of the Peninsular War might almost be mistaken for a description of Thomas. "He held his army in hand," says Napier, "keeping it, with unmitigated labor, always in a fit state to march or to fight. . . . . Sometimes he was indebted to fortune, sometimes to his natural genius, always to his untiring industry; for he was emphatically a painstaking man." The language of Lord Brougham addressed to Wellington is a fitting description of Thomas: "Mighty captain! who never advanced except to cover his arms with glory. Mightier captain! who never retreated except to eclipse the glory of his advance."

If I remember correctly, no enemy was ever able to fight Thomas out of any position that he undertook to hold.

On the whole, I cannot doubt that the most fitting parallel to General Thomas is found in our greatest American, the

man who was "first in war, first in peace, and first in the hearts of his countrymen." The personal resemblance of General Thomas to Washington was often the subject of remark. Even at West Point, Rosecrans was accustomed to call him General Washington. He resembled Washington in the gravity and dignity of his character, in the solidity of his judgment, in the careful accuracy of all his transactions, in his incorruptible integrity, and in his extreme, but unaffected modesty.

Though his death was most sudden and unexpected, all his official papers, and his accounts with the government, were in perfect order, and ready for instant settlement. His reports and official correspondence are models of pure style, and full of valuable details. Even during the exciting and rapid campaign from Chattanooga to Atlanta, he recorded, each month, the number of rounds his men had fired, and other similar facts concerning the equipment and condition of his army. He has left behind him a great mass of most valuable papers, classified and arranged in perfect order, the publication of which will make an almost complete history of the Army of the Cumberland.

His modesty was as real as his courage. When he was in Washington in 1866, his friends with great difficulty persuaded him to allow himself to be introduced to the House of Representatives. He was escorted to the Speaker's stand, while the great assembly of representatives and citizens arose and greeted him with the most enthusiastic marks of affection and reverence. Mr. Speaker Colfax, in speaking of it afterward, said: "I noticed, as he stood beside me, that his hand trembled like an aspen leaf. He could bear the shock of battle, but he shrank before the storm of applause."

He was not insensible to praise; and he was quick to feel any wrong or injustice. While grateful to his country for the honor it conferred upon him, and while cherishing all expressions of affection on the part of his friends, he would not accept the smallest token of regard in the form of a gift. So frank and guileless was his life, so free from anything that approached intrigue, that when, after his death, his private letters and papers were examined, there was not a scrap among them that his most confidential friends thought best to destroy. When Phidias was asked, why he took so much pains to finish up the parts of his statue that would not be in sight, he said, "These I am finishing for the gods to look at." In the life and charac-

ter of General Thomas there were no secret places of which his friends will ever be ashamed.

But his career is ended. Struck dead at his post of duty, a bereaved nation bore his honored dust across the continent, and laid it to rest on the banks of the Hudson, amidst the tears and grief of millions. The nation stood at his grave as a mourner. No one knew until he was dead how strong was his hold on the hearts of the American people. Every citizen felt that a pillar of state had fallen, — that a great and true and pure man had passed from earth.

There are no fitting words in which I may speak of the loss which every member of this Society has sustained in his death. The General of the Army has beautifully said, in his order announcing the death of Thomas: "Though he leaves no child to bear his name, the old Army of the Cumberland, numbered by tens of thousands, called him Father, and will weep for him in tears of manly grief."

To us, his comrades, he has left the rich legacy of his friendship. To his country and to mankind, he has left his character and his fame as a priceless and everlasting possession.

"O iron nerve to true occasion true,
O fallen at length that tower of strength
Which stood four-square to all the winds that blew!
. . . . . .
"His work is done,
But while the races of mankind endure,
Let his great example stand
Colossal, seen of every land,
And keep the soldier firm, the statesman pure:
Till in all lands and through all human story
The path of Duty be the way to Glory."

THE edition of this Oration published by the author contains Appendices from A to I inclusive, making fourteen pages. Only those relating to General R. E. Lee need appear here.

I.

November 19, 1870.

DEAR GENERAL, — I give you the following from memory, having never made any written note of it before.

It must have been about, if not upon, the 19th of April, 1861, that Colonel R. E. Lee, First U. S. Cavalry, then staying at Arlington, came

to General Scott's office, opposite the War Department, in Washington, in obedience to a message from the General that he desired to see him. I was the only person present during the interview. General Scott spoke for about fifteen minutes, the substance of his remarks being that it was time Lee should clearly define his position upon the question which was causing many Southern officers to resign from the United States Army; that he had probably already made up his mind, but that he should weigh well the consequence; that the cause of the Southern people against the North could not possibly terminate in favor of the former, and should it fail, the result must be disastrous to those officers who left the army to join the South.

Lee listened in silence, and at last replied briefly: "General, I must go with my native State in what she decides to be best. My children all own property in Virginia; all that we have is there. I cannot raise my hand against my children."

The interview then terminated, and Lee sent in his resignation the next day, April 20, 1861.

Yours truly,

E. D. TOWNSEND.

GENERAL GARFIELD, M. C.

II.

WASHINGTON, D. C., November 21, 1870.

DEAR GENERAL, — I send you the following information, drawn from the records in the Adjutant-General's office.

R. E. Lee recorded his name in the Adjutant-General's office, March 5, 1861, as Brevet Colonel and Lieutenant-Colonel Second Cavalry. Address, Arlington; with the remark, "Under orders from Department of Texas."

R. E. Lee was confirmed by the Senate as Colonel First Cavalry, March 23, 1861. Date of commission, March 25, 1861, to rank from March 10, 1861. Commission forwarded to him at Arlington, Va., March 28, 1861, and its receipt acknowledged and accepted by him March 30, 1861. April 20, 1861, by letter from Arlington, R. E. Lee tenders his resignation as Colonel First Cavalry. Received by General Scott the same day, and sent to the Adjutant-General. Submitted to General Cameron, Secretary of War, April 24, 1861, and accepted by him the next day, April 27, 1861. He was informed at Richmond of the acceptance, by the President, of his resignation, to take effect April 25, 1861.

In the letter of tender of resignation, no reason given.

Fitzhugh Lee records his name at the Adjutant-General's office as Second Lieutenant First Cavalry, May 1, 1861, with the remark, "On

seven days' leave from West Point," at Washington. May 16, 1861, tenders his resignation. Address, Richmond. Resignation submitted to General Cameron, Secretary of War, May 21, 1861, and accepted by him.

I have the honor to be, General, very respectfully, your obedient servant,

L. THOMAS,
Brigadier-General U. S. Army.

GENERAL J. A. GARFIELD, *Washington, D. C.*

III.

ARLINGTON, VA., April 20, 1861.

GENERAL, — Since my interview with you, on the 18th instant, I have felt that I ought not longer to retain my commission in the army. I therefore tender my resignation, which I request you will recommend for acceptance. It would have been presented at once but for the struggle it has cost me to separate myself from the service to which I have devoted all the best years of my life and all the ability I possessed.

During the whole of that time, — more than a quarter of a century, — I have experienced nothing but kindness from my superiors, and the most cordial friendship from my comrades. To no one, General, have I been so much indebted as to yourself for uniform kindness and consideration, and it has always been my ardent desire to merit your approbation. I shall carry to the grave the most grateful recollections of your kind consideration, and your name and fame will always be dear to me.

Save in defence of my State, I never desire to draw my sword. Be pleased to accept my most earnest wishes for the continuance of your happiness and prosperity, and believe me most truly yours,

R. E. LEE.

LIEUTENANT-GENERAL WINFIELD SCOTT,
Commanding United States Army.

IV.

HEADQUARTERS, RICHMOND, April 23, 1861.

GENERAL ORDERS, No. I.

In obedience to orders from His Excellency, John Letcher, Governor of the State, Major-General Robert E. Lee assumes command of the military and naval forces of Virginia.

[Signed,] R. E. LEE,
Major-General.

V.

ARLINGTON, VA., April 20, 1861.

MY DEAR SISTER, — I am grieved at my inability to see you. I have been waiting for a "more convenient season," which has brought to many before me deep and lasting regret. Now we are in a state of war, which will yield to nothing. The whole South is in a state of revolution, into which Virginia, after a long struggle, has been drawn; and though I recognize no necessity for this state of things, and would have forborne and pleaded to the end for redress of grievances, real or supposed, yet in my own person I had to meet the question whether I would take part against my native State. With all my devotion to the Union, and the feeling of loyalty and duty of an American citizen, I have not been able to make up my mind to raise my hand against my relatives, my children, my home. I have therefore resigned my commission in the army, and, *save in defence of my native State*, with the hope that my poor services will never be needed, I hope I may never be called on to draw my sword.

I know you will blame me; but you must think as kindly of me as you can, and believe that I have endeavored to do what I thought right. To show you the feeling and struggle it cost me, I send a copy of my letter to General Scott, which accompanied my letter of resignation. I have no time for more.

R. E. LEE.

THE RIGHT TO ORIGINATE REVENUE BILLS.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, MARCH 3, 1871.

AT the third session of the Forty-first Congress, there arose a constitutional question affecting the rights of the two houses. January 26, 1871, the Senate passed a bill abolishing the income tax (the limit of which had been December 31, 1869, but which had been extended by the act of July 14, 1870). The House immediately returned the bill, accompanied by this resolution: "*Resolved*, That Senate Bill No. 1083, to repeal so much of the act approved July 14, 1870, entitled 'An Act to reduce Internal Taxes, and for other Purposes,' as continues the income tax after the 31st day of December, 1869, be returned to that body, with the respectful suggestion on the part of the House that section seven of article one of the Constitution vests in the House of Representatives the sole power to originate such measures." The Senate asked conference upon the point of difference, which was that of the respective rights of the houses concerning revenue bills, and this the House of Representatives granted.

The Senate and House committees could not agree, and each made a report sustaining the right and position of the body that had appointed it. The report of the House conferees closed with this resolution: "*Resolved*, That the House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or repeal of taxes; and in the exercise of this privilege in the first instance to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to propose or concur with amendments, as in other bills." The House agreed to the report of its committee. Pending this report, at the very end of the session, Mr. Garfield obtained leave to print the speech which time and the business before the House did not enable him to deliver.

"Whenever the Lords usurp upon the known privileges of the Commons, or they upon the Lords, or both upon the King, or lastly the King upon them, we may cry good night to this our ancient Constitution under which we have flourished so many ages." — *Preface to Lord Anglesey's "Privileges of the Lords and Commons,"* A. D. 1702.

MR. SPEAKER, — Few questions have arisen in this House of greater importance than the one now pending; and I greatly regret that it did not arise at a time when it might receive a more thoughtful consideration than is possible at this period of the session. I greatly regret, also, that this difference between the two houses should have arisen on the bill to abolish what remains of the income tax; for I have no doubt that the best interests of the people and of the government require the repeal of that tax. But infringements of the constitutional rights and privileges of the House of Representatives are more likely to occur in cases where the public wishes can be used to force a surrender; and hence the necessity of repealing the tax should not be considered in connection with the subject now before the House.

The question at issue involves the history, the object, and the significance of this clause of the Constitution: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."[1] It would be difficult to find any clause in the Constitution so rich in its historical associations, and of such vital importance to the genius and spirit of our government. The Senate has forced upon the House the necessity of pronouncing its judgment on this question, and of asserting, in clear and unmistakable language, a right conferred upon the House by the Constitution, — a right which cannot be surrendered without inflicting a fatal wound upon the integrity of our whole system of government. The Senate has passed a bill repealing a portion of a general law for raising public revenue, and insists on its right to do so, for the reason that its bill provides for reducing, not for increasing revenue.

To reach an intelligent understanding of this clause, we must go back to the fountain-head from which the provision was drawn. I therefore invite the attention of the House to the source from which this feature of our Constitution was derived, the constitution of Great Britain.

It appears that from the earliest times until the reign of

[1] Art. I. Sec. 7, clause 1.

Edward III. the Commons alone levied taxes on their own class, and the Lords alone levied taxes on the peers of the realm. But some time in the latter half of the fourteenth century taxes began to be levied upon both peers and commoners by laws which originated solely in the House of Commons, and to which the House of Lords had only the power to give or refuse consent. In an exhaustive and elaborate review of this subject, Hallam says, in his "Constitutional History of England," —

"In our earliest Parliamentary records, the Lords and Commons, summoned in a great measure for the sake of relieving the King's necessities, appear to have made their several grants of supply without mutual communication, and the latter generally in a higher proportion than the former. These were not in the form of laws, nor did they obtain any formal assent from the King, to whom they were tendered in written indentures, entered afterward on the roll of Parliament. The latest instance of such distinct grants from the two Houses, as far as I can judge from the rolls, is in the eighteenth year of Edward III." [A. D. 1345.][1]

He says further, speaking of the Commons: —

"They maintained also that the Lords could not make any amendment whatever in bills sent up to them for imposing, directly or indirectly, a charge upon the people. There seems no proof that any difference between the two houses on this score had arisen before the Restoration."[2]

Sir Thomas Erskine May discusses at length the precedents in regard to originating money bills, and shows that the tendency has been constantly to enlarge the jurisdiction of the Commons, and to restrict that of the Lords. He says: —

"The Lords were not originally precluded from amending bills of supply; for there are numerous cases in the Journals in which Lords' amendments to such bills were agreed to; but in 1671 the Commons advanced their claim somewhat further by resolving, *nem. con.*, 'that in all aids given to the King by the Commons the rate of tax ought not to be altered [by the Lords].'"[3]

This resolution was passed in consequence of an amendment of the House of Lords reducing the duties on sugar. On the 3d of July, 1678, the Commons resolved: "That all aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons; and all bills for the granting of any such aids

[1] Chap. 13, p. 508 (Harpers' ed., 1860).
[2] Ibid., p. 509.
[3] Parliamentary Practice, (London, 1868,) p. 537.

aid supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords."

Sir Thomas Erskine May makes this comment: —

"It is upon this latter resolution that all proceedings between the two Houses in matters of supply are now founded. The principle is acquiesced in by the Lords, and, except in cases where it is difficult to determine whether a matter be strictly one of supply or not, no serious difference can arise. . . . . In bills not confined to matters of aid or taxation, but in which pecuniary burdens are imposed upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction." [1]

He also says: —

"The principle of excluding the Lords from interference has even been pressed so far by the Commons, that, when the Lords have sent messages for reports and papers relative to taxation, the Commons have evaded sending them; and it has been doubted whether members should be allowed to be examined before a committee of the House of Lords upon matters involving taxation, although in practice they have been allowed to attend." [2]

Within the present century, the Commons have relaxed the rigidity of these rules in the case of certain private bills, and other bills where the revenue feature is only incidental to the main object. Under this relaxation the Commons declare that they will accept "any clauses sent down from the House of Lords which refer to tolls and charges for services performed, and which are not in the nature of a tax."

The present practice, as settled in 1678, is thus compendiously stated by Leone Levi, the distinguished financial writer, who, after reciting the resolution of 1678, says: —

"These and other precedents in Parliamentary practice of a like character establish the following facts: first, that all bills for purposes of taxation, or containing clauses imposing a tax, must originate in the House of Commons, and not in the House of Lords; second, that bills so originated in the Commons cannot be altered and amended by the Lords; and third, that, although bills for imposing or repealing taxes must not originate or be amended by the Lords, they have the power to reject

[1] Parliamentary Practice, pp. 537, 538. [2] Ibid., p. 543.

the measure altogether, though this power has seldom, if ever, been fully exercised."[1]

It must be remembered that the Constitution of the United States was framed at a time when the only point in contest between the two Houses of Parliament was whether the Lords could make any amendment whatever to a money bill, and that in our Constitution the same point was settled in favor of the Senate. The history of this clause of our Constitution is both curious and instructive; and in the belief that it is not generally understood, I will review it somewhat in detail, as it appears in the Madison Papers and other records of the Convention of 1787.

When the Constitutional Convention had been in session one month, during the course of the debate upon those sections of the instrument which fix the character of the two houses of Congress, Mr. Gerry, of Massachusetts, moved "to restrain the Senatorial power from originating money bills. The other branch," he said, "were more immediately the representatives of the people, and it was a maxim that the people ought to hold the purse-strings. If the Senate should be allowed to originate such bills, they would repeat the experiment till chance should furnish a set of representatives in the other branch who will fall into their snares." Later in the debates, Mr. Gerry "considered this as a part of the plan that would be much scrutinized. Taxation and representation are strongly associated in the minds of the people; and they will not agree that any but their immediate representatives shall meddle with their purses. In short, the acceptance of the plan will inevitably fail if the Senate be not restrained from originating money bills."[2]

Other members took the same view; but Mr. Madison insisted that, as the Convention had just determined that the number of members of the Senate should be in proportion to the population of the respective States, the precedent of the British constitution did not apply, because the Senate thus constituted represented the people as directly as the House would do. On this view of the case, Mr. Gerry's resolution was rejected, June 13, 1787, — ayes, three; nays, seven.[3]

On the 30th of June the clause relating to the organization of

[1] On Taxation, (London, 1860,) p. 242.

[2] Elliott's Debates, Vol. V. pp. 188, 416.

[3] Ibid., Vol. V. p. 189. See also Curtis's History of the Constitution, Vol. II. pp. 214 *et seq.*

the two houses of Congress was reconsidered, and the Convention found itself evenly divided on the question whether each State should have an equal vote in the Senate, or whether the representation in that body should be in proportion to population. It was a contest between the large and the small States, and for some time the failure of the whole plan seemed inevitable. At that crisis Dr. Franklin, whose wisdom was sufficient for all emergencies, proposed a plan of adjustment. He said: —

"The diversity of opinions turns on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger. When a broad table is to be made, and the edges of planks do not fit, the artist takes a little from both and makes a good joint. In like manner here, both sides must part with some of their demands in order that they may join in some accommodating proposition." [1]

The debate proceeded for two days, and amid great dejection, until the 2d of July, when it was resolved to refer the question to a committee of one from each State, the committee to be elected by ballot. The following gentlemen, whose names are historic, were chosen as the committee: Mr. Gerry, Mr. Ellsworth, Mr. Yates, Mr. Patterson, Dr. Franklin, Mr. Bedford, Mr. Martin, Mr. Mason, Mr. Davy, Mr. Rutledge, and Mr. Baldwin. Curtis calls this committee the first committee of compromise of the Federal Convention. On the 5th of July this committee made the following report: —

"The committee to whom was referred the eighth resolution of the report from the Committee of the whole House, and so much of the seventh as has not been decided on, submit the following report: —

"That the subsequent propositions be recommended to the Convention on condition that both shall be generally adopted: —

"1. That in the first branch of the Legislature each of the States now in the Union shall be allowed one member for every forty thousand of the inhabitants of the description reported in the seventh resolution of the Committee of the whole House; that each State not containing that number shall be allowed one member; that all bills for raising or appropriating money, and for fixing the salaries of the officers of the government of the United States, shall originate in the first branch of the legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public treasury but in pursuance of appropriations to be originated in the first branch.

[1] Elliott's Debates, Vol. V. p. 266.

"2. That in the second branch each State shall have an equal vote." [1]

The substance of the report was this: the larger States were to allow the smaller States equal representation in the Senate, on condition that the small States should allow to the House (where the large States would have most power) the exclusive right to originate money bills. It was admitted on all hands that this adjustment was a compromise, — that the report of the committee must be taken as a whole.

"Dr. Franklin did not mean to go into a justification of the report; but as it had been asked what would be the use of restraining the second branch from meddling with money bills, he could not but remark, that it was always of importance that the people should know who had disposed of their money, and how it had been disposed of. It was a maxim that those who feel can best judge. This end would, he thought, be best attained if money affairs were to be confined to the immediate representatives of the people. This was his inducement to concur in the report. As to the danger or difficulty that might arise from a negative in the second branch, where the people would not be proportionally represented, it might easily be got over by declaring that there should be no such negative; or, if that will not do, by declaring there shall be no such branch at all." [2]

On the 6th of July the clause of the report relating to revenue bills was retained by a vote of five to three.[3] A month later, when several articles of the Constitution were reported to the Convention by the Committee on Detail, a motion was made to strike out the clause relating to money bills, for it should be said that from the beginning there was considerable opposition to the provision. Some opposed it on its own merits, and others opposed it in the hope that, should it be stricken out, it would carry out with it the equal vote of the States in the Senate. On the motion to strike out, —

"Colonel Mason was unwilling to travel over this ground again. To strike out the section was to unhinge the compromise of which it made a part. The duration of the Senate made it improper. He did not object to that duration; on the contrary, he approved of it. But, joined with the smallness of the number, it was an argument against adding this to the other great powers vested in that body. His idea of an aristocracy was that it was the government of the few over the many. An aristocratic body, like the screw in mechanics, working its way by slow degrees and holding fast whatever it gains, should ever be suspected of an en-

[1] Elliott's Debates, Vol. V. p. 274. [2] Ibid., p. 284. [3] Ibid., p. 285.

croaching tendency. The purse-strings should never be put into its hands." [1]

No one can read this part of the record of those debates without being impressed with the fact that the vote which concluded it was not an expression of the sense of the Convention on the merits of the clause itself. For the reasons already indicated, the clause was stricken out, August 8, by a vote of seven to four.[2] On the opening of the convention the next morning, the following views were avowed.

"Mr. Randolph expressed his dissatisfaction at the disagreement yesterday to section fifth, concerning money bills, as endangering the success of the plan, and extremely objectionable in itself; and gave notice that he would move for a reconsideration of the vote." [3]

"Dr. Franklin considered the two clauses — the originating of money bills, and the equality of votes in the Senate — as essentially connected by the compromise which had been agreed to." [4]

"Colonel Mason said, unless the exclusive right of originating money bills should be restored to the House of Representatives, he should — not from obstinacy, but duty and conscience — oppose throughout the equality of representation in the Senate." [5]

August 11, "Mr. Randolph moved, according to notice, to reconsider Article IV. Section 5, concerning money bills which had been struck out. He argued, first, that he had not wished for this privilege while a proportional representation in the Senate was in contemplation: but since an equality had been fixed in that House, the large States would require this compensation at least. Secondly, that it would make the plan more acceptable to the people, because they will consider the Senate as the more aristocratic body, and will expect that the usual guards against its influence will be provided, according to the example of Great Britain. Thirdly, the privilege will give some advantage to the House of Representatives, if it extends to the originating only; but still more, if it restrains the Senate from amending. Fourthly, he called on the smaller States to concur in the measure, as the condition by which alone the compromise had entitled them to an equality in the Senate. He signified that he should propose, instead of the original section, a clause specifying that the bills in question should be for the purpose of revenue, in order to repel the objection against the extent of the words 'raising money,' which might happen incidentally; and that the Senate should not so amend or alter as to increase or diminish the sum; in order to obviate the inconveniences urged against a restriction of the Senate to a simple affirmation or negative." [6]

[1] Elliott's Debates, Vol. V. p. 394.
[2] Ibid., p. 395.
[3] Ibid., p. 395.
[4] Ibid., p. 396.
[5] Ibid., p. 397.
[6] Ibid., p. 410.

In the course of the debate it was suggested that the clause as proposed would restrain the Senate from originating any bill, public or private, which might incidentally affect the treasury. To obviate this objection Mr. Randolph moved to amend the clause by substituting the following: "Bills for raising money for the purpose of revenue, or for appropriating the same, shall originate in the House of Representatives, and shall not be so amended or altered by the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation."[1]

It will be seen that the clause as here presented would have been even more stringent against the Senate than the British constitution now is against the House of Lords. On the 13th of August the clause as amended was stricken out.[2] This vote gave great dissatisfaction, and two days later, while another article was under consideration, Mr. Strong proposed the following amendment: "Each house shall possess the right of originating all bills, except bills for raising money for the purposes of revenue, or for appropriating the same, and for fixing the salaries of the officers of the government, which shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as in other cases."[3]

The consideration of this amendment was postponed until August 31, when, with several other subjects of compromise, it was referred to a committee of one from each State. On the 4th of September the committee reported a proposition giving to the Senate the exclusive power to ratify treaties, to try all impeachments, and to confirm the appointments of officers. As a compensation for these exclusive powers conferred upon the Senate, the committee reported the next day the following clause: "All bills for raising revenue shall originate in the House of Representatives, and shall be subject to alterations and amendments by the Senate."[4]

The same day Gouverneur Morris moved to postpone the clause. "It had been agreed to in the committee, on the ground of the compromise, and he should feel himself at liberty to dissent from it if, on the whole, he should not be satisfied with certain other parts to be settled."[5]

"Mr. Sherman was for giving immediate ease to those who

[1] Elliott's Debates, Vol. V. p. 414. [2] Ibid., p. 420. [3] Ibid., p. 427.
[4] Ibid., pp. 506, 510, 511. [5] Ibid, p. 511.

looked on this clause as of great moment, and for trusting to their concurrence in other proper measures." [1]

Mr. Williamson said: "There are seven States which do not contain one third of the people. If the Senate are to appoint, less than one sixth of the people will have the power." [2]

Before the final vote was taken, September 8, the clause was modified by substituting for the paragraph relating to amendments by the Senate these words, borrowed from the Constitution of Massachusetts: "But the Senate may propose or concur with amendments, as in other bills." Thus amended the section was adopted, — ayes, nine; noes, two. At the foot of the page on which this vote is recorded, Mr. Madison appended the following note: "This was a conciliatory vote, the effect of the compromise formerly alluded to." [3]

It will be seen from this history of the clause that, while many members of the Convention favored it on the general ground of experience, borrowed from the British precedent, a still stronger reason for its adoption was its relation to other portions of the Constitution. It was the pivot on which turned the first great compromise of the Constitution, and the chief consideration on which the last was settled. It was at first granted to the House as a compensation for the equal representation of all the States in the Senate; and the vote by which it was stricken out came near "unhinging the whole plan." And finally its reinsertion was the consideration for which the large States yielded to the Senate the exclusive right to ratify treaties, the power of impeachment, and the right to confirm appointments. I doubt whether any other clause occasioned more debate, or played a more important part in adjusting the great questions of difference on which the fate of the Constitution depended.

I now call attention to the language employed in the British and American constitutions, on the subject under consideration. The substantive part of the British rule of 1678, on which all proceedings of the two houses in matters of supply are now founded, is in these words: "All bills for the granting of . . . . aids and supplies ought to begin with the Commons, ... and ought not to be changed or altered by the House of Lords." Compare this with the language of our Constitution: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments,

[1] Elliott's Debates, Vol. V. p. 511. [2] Ibid., p. 514. [3] Ibid., p. 529.

as on other bills." Dismissing from the comparison the last clause of each, in regard to amendments, on which the two constitutions take opposite grounds, we find in the remaining clauses precisely the same thought, expressed in different words, thus: "All bills for the granting of aids and supplies." "All bills for raising revenue." "Aids and supplies" are granted to the British government, as to ours, by "raising revenue." Congress, in "raising revenue," grants "aids and supplies"; or, in the language more frequently adopted in this country, provides "ways and means" for the support of the government. The laws of language will not permit a construction of one of these clauses which will not apply to the other.

But we are not left to the language alone. Two centuries of undisputed precedents have fixed the interpretation of the British clause, and left no room for doubt or cavil. Just two hundred years ago, the very question now in debate between the two houses of Congress was elaborately discussed between the Lords and Commons, and settled as this House now asks to have it settled. The Lords claimed that, in reducing the duty on sugar from one penny per pound to three farthings, they did not "grant supplies," but withheld them. Our Senate now claims that in repealing a tax on incomes they are not "raising revenue," but are reducing it. The Lords were not permitted thus to stick in the bark, and to exploit the meaning out of a constitutional rule; and since the final adjustment in 1678, they have never pretended that bills either for imposing or repealing taxes can originate in their house. There, as here, the clause was intended to place in the popular branch of the legislature the exclusive right of originating bills for the management of the revenue. There, as here, all such bills, whether for an increase or decrease of taxes, were known as "money bills." If gentlemen will examine the citations made from the proceedings of the Constitutional Convention, they will notice that throughout the long debate this clause was spoken of as the clause relating to "money bills." This was the interpretation given to the clause by those who made it a part of the Constitution; and I shall presently show that this was also the interpretation given to it by the First Congress, and by all succeeding Congresses for half a century.

I now invite the attention of the House to some of the precedents in the practice of Congress.

The scope and meaning of this clause of the Constitution was discussed at the first session of the First Congress; and many of the distinguished men who aided in framing the Constitution itself took part in the debate, and gave their interpretation of this clause. When the bill for the establishment of the Treasury Department was under discussion in the House of Representatives, on the 25th of June, 1789, Mr. Page moved to strike out from the bill the clause which made it the duty of the Secretary of the Treasury "to digest and report a plan for the improvement and management of the revenue and the support of the public credit."

In support of this motion Mr. Page argued that "it might be well enough to enjoin upon him the duty of making out and preparing estimates, but to go on any further would be a dangerous innovation upon the constitutional privileges of this House."

Mr. Tucker agreed that the objection was well founded; and in concluding his speech on the subject said: "I can never agree to have money bills originated and forced upon this House by a man destitute of legislative authority, while the Constitution gives such power solely to the House of Representatives; for this reason, I cheerfully second the motion for striking out the words."

Mr. Livermore said: "The power of originating money bills within these walls, I look upon as a sacred deposit, which we may neither violate nor divest ourselves of."

Mr. Gerry said: "Does not the Constitution expressly declare that the House solely shall exercise the power of originating revenue bills? Now, what is meant by reporting plans? It surely includes the idea of originating money bills; that is, a bill for improving the revenue, or, in other words, for bringing revenue into the treasury."

Mr. Lawrence said "that the power of reporting plans for the improvement of the revenue is the power of originating money bills. The Constitution declares that power to be vested solely in this House."

Mr. Madison said: "With respect to originating money bills, the House has the sole right to do it."

Not all of the members whom I have quoted were in favor of striking out the whole clause, as moved by Mr. Page, and the amendment in that form was rejected; but, on motion of Mr.

Fitzsimmons, the word "report" was stricken out and "prepared" inserted by a large majority.[1]

I have quoted these authorities for the purpose of showing that the fathers of the Constitution did not stand on any such technicality as the special meaning of the word "raising" in their interpretation of this clause. Throughout this whole debate, the clause was interpreted to mean that the House had the sole power of originating money bills; and the record does not show that any member took any other view of the case. It should be borne in mind that the words "money bills," as used in this debate, had the broad meaning given to them in England, and included bills to reduce as well as bills to increase the revenue. This debate is important as being the earliest interpretation of the meaning of the clause under consideration given by Congress itself. The jealousy with which that Congress guarded the clause is also worthy our thoughtful attention.

A prominent event occurred in the Twenty-second Congress, which brought out much discussion of this clause of the Constitution. The secession threatened by South Carolina, the great agitation throughout the country on the subject of the tariff, and the fears of civil war that distressed all our leading statesmen, led Mr. Clay to believe that he, as the acknowledged leader in tariff legislation, could reconcile the conflicting elements by offering a bill for the reduction of duties. In pursuance of this purpose, on the 12th of February, 1833, he offered a bill which has since been known as the "Compromise Tariff Bill." In introducing it he said: "I owe, sir, an apology to the Senate for this course of action, because, although strictly parliamentary, it is nevertheless out of the usual practice of this body."

Mr. Forsyth, of Georgia, immediately objected to the bill, that "it was a violation of the Constitution, because the Senate had no power to raise revenue." Mr. Clay insisted that it "was not a bill to raise the duties, but to reduce them, and therefore did not come within the reach of an equitable objection. . . . . This was a bill to reduce the duties except in a single clause, and that clause relates to the act[2] which had not yet gone into

[1] For the above history, see Annals of Congress, (Gales and Seaton, Washington, 1834,) Vol. I. pp. 615–617, 621, 625, 626, 629, 631.

[2] The act of July 14, 1832; to go into operation, March 3, 1833.

operation. . . . . He did not believe it was the intention of the Constitution so far to restrict the right of the Senate as to preclude the origination of a bill to repeal any existing law." Mr. Dickerson, of New Jersey, said: "Such a bill as this could not, in his opinion, originate in the Senate."

After much hesitation the Senate allowed the bill to be introduced, but in the course of the debate which followed, the constitutional right of the Senate was very fully discussed, and many leading Senators expressed the opinion, in the most positive manner, that the Senate had no right to originate such a bill. While there was a very large majority of the Senate in favor of the bill as a revenue measure, yet from the debates it is doubtful whether a majority would not have voted against it on the constitutional ground, if the test had been made. No name can give more weight to an opinion on the proper meaning of the Constitution than that of Mr. Webster, and near the conclusion of this debate he gave his opinion on the clause of the Constitution now under discussion, in language at once so clear and comprehensive that it ought never to be omitted from any discussion of this question. I therefore quote it entire.

"Mr. Webster said the constitutional question must be regarded as important; but it was one which could not be settled by the Senate. It was purely a question of privilege, and the decision of it belonged alone to the House. The Senate, by the Constitution, could not originate bills for raising revenue. It was of no consequence whether the rate of duty were increased or decreased; if it was a money bill, it belonged to the House to originate it. In the House there was a Committee of Ways and Means organized expressly for such objects. There was no such committee of the Senate. The constitutional provision was taken from the practice of the British Parliament, whose usages were well known to the framers of the Constitution, with the modification that the Senate might alter and amend money bills, which was denied by the House of Commons to that of Lords. This subject belonged exclusively to the House of Representatives. The attempt to evade the question by contending that the present bill was intended for protection, and not revenue, afforded no relief, for it was protection by means of revenue. It was not the less a money bill from its object being protection. After 1842 this bill would raise the revenue, or it would not be raised by existing laws. He was altogether opposed to the provisions of this bill, but this objection was one which it belonged to the House to make."

It will be seen from this that Mr. Webster emphatically denies the right of the Senate to originate a bill to reduce revenue. Before the close of the debate it became manifest, even to Mr. Clay himself, that he could not safely risk the fate of his bill with this constitutional objection impending. His friends in the House introduced and the House passed a bill in the same words, and sent it to the Senate, whereupon Mr. Clay announced that the bill of the House would "supersede the objection of some Senators, who believed the Senate was not the proper place for the origin of this bill." On the following day he moved to lay his own bill on the table, which was done. Four days later, the House bill passed the Senate, by a vote of twenty-nine to sixteen.[1]

I have cited the history of the Compromise Tariff Bill to show how the Senate itself disposed of this question the first time, I believe, it ever arose in the naked form of a proposition to reduce duties.

On the 13th of September, 1837, a bill was reported to the Senate authorizing the issue of treasury notes, and on the 18th of that month it passed that body by a vote of forty-two yeas to five nays (Clay, Crittenden, Preston, Southard, Spence). On the 30th of September, the House, in Committee of the Whole, took up and considered the Senate bill.

Mr. Bell, of Tennessee, said: "He had been waiting for some who, he understood, were prepared to contest the constitutional right of the Senate to send to the House a bill of this description. It was a money bill, and by the Constitution all such bills must originate in the House. The proper course would be first to take a vote on that question."

Mr. Adams, of Massachusetts, said: "That in his own opinion the matter admitted of no question at all. If ever there was a money bill, this was one; but he should make no motion, because he well knew, if he did, the previous question would be called and the motion voted down. If, however, the gentleman from Tennessee was disposed to go into the discussion, he should have his most cordial support. This House had too long suffered the other branch of the legislature to dictate to it every measure relating to revenue. For the last five years not one of all the measures of that character had originated in that House."

[1] For the above history, see Congressional Debates, (Gales and Seaton,) Vol. IX. Part I. pp. 462, 463, 477, 478, 722.

Mr. Haynes, of Georgia, said: "It was now too late to raise an objection of this kind; the House had received the bill and referred it, and it had been reported on. If such an objection did exist, this was not the place to make it."

Mr. Wise, of Virginia, said: "He was astonished to hear such language from the gentleman from Georgia. Did not that gentleman know that at every step, in any, even the last stage of a bill, when it had received its third reading, if the House discovered a constitutional objection to lie against its passage, it was never too late to bring it forward? It never could be too late for the House to receive an objection to doing that which it had no power to do. It never could waive a constitutional objection on the ground of laches. He moved that the committee rise and report that a bill like this could not constitutionally originate in the Senate. Thus, in the House, that report might be adopted and the bill sent back to the Senate, with a message declaring that the House could not act upon the bill."

Mr. Cambreling, of New York, chairman of the Committee of Ways and Means, said: "He hoped the committee would not rise. This bill did not propose the levying of a tax; it was a mere anticipation of the receipt of revenue. The Compromise Act of 1833 had been sent from the Senate . . . . to the House, although it proposed an increase of taxes. . . . . The present bill created no public debt, it merely anticipated means which were ample. . . . . No constitutional objection had been urged in the Senate, ... and he hoped the House would proceed with the bill."

Mr. Mercer, of Virginia, said: "He was astonished at the position taken by the chairman of the Committee of Ways and Means. It was not a fact that the Compromise Bill had originated in the Senate; it had originated in the House."

Mr. Cambreling said: "To avoid all difficulty, he would move to pass by the Senate's bill, and take up that of the House."

Mr. Robertson, of Virginia, "contended that the House could not thus pass over the greatest breach of its privileges which had ever been perpetrated. He could not understand how the gentleman could be so insensible to the indignity thus cast on the House. Should they continue to take bills, raising millions on millions, at the dictation of the Senate or the President, when the Constitution plainly forbade it?"

After some further discussion the House bill was taken up, as moved by Mr. Cambreling, and finally passed. On the 10th of October the House bill passed the Senate without amendment, — yeas twenty-five, nays six.[1]

A still more striking precedent is found in the proceedings of the Senate during the first session of the Twenty-eighth Congress. A strong reaction had set in against the Whig Tariff of 1842, and on the 19th of December, 1843, Senator McDuffie, of South Carolina, introduced a bill, of three sections, to revive the Compromise Tariff of 1833. The bill is as follows: —

"*Be it enacted, etc.*, That so much of the existing law imposing duties upon foreign imports as provides that duties *ad valorem* on certain commodities shall be assessed upon an assumed *minimum* value be, and the same is hereby, repealed; and that said duties be hereafter assessed on the true value of such commodities.

"SEC. 2. *And be it further enacted*, That, in all cases in which the existing duty upon any imported commodity exceeds thirty per centum on the value thereof, such duty shall hereafter be reduced to thirty per centum *ad valorem*.

"SEC. 3. *And be it further enacted*, That from and after the 31st of December next all duties upon foreign imports shall be reduced to twenty-five per centum, and from and after the 31st of December, 1844, to twenty per centum, *ad valorem*."

The bill was referred to the Committee on Finance, and on the 9th of January, 1844, Senator Evans, of Maine, reported it back from the Finance Committee with the following resolutions: —

"*Resolved*, That the bill entitled 'A Bill to revive the Act of the 2d of March, 1833, usually called the Compromise Act, and to modify the existing duties upon foreign imports, in conformity with its provisions,' is a bill for raising revenue within the meaning of the seventh section of the first article of the Constitution, and cannot therefore originate in the Senate: Therefore,

"*Resolved*, That it be indefinitely postponed."

These resolutions and the bill of Mr. McDuffie were debated every week, and almost every day, from the 19th of January to the 31st of May; and nothing can be more significant of the sentiment of the Senate than the final vote by which the resolu-

[1] For the above history, see Congressional Debates, Vol. XIV. Part I. pp. 1152, 1153.

tions were disposed of. To pass the resolutions and indefinitely postpone McDuffie's bill would seem to commit many Senators against the reduction of tariff who were earnestly in favor of reduction; but the Evans resolutions were directed solely to the constitutional right of the Senate to originate the McDuffie bill. On the 31st of May, 1844, just before the final vote on the Evans resolution was taken, Mr. Allen, of Ohio, moved to amend by striking out all after "that," in the first line of the first resolution, and inserting the following: "The duties imposed on importations by existing laws are unjust and oppressive, and ought to be repealed." On this amendment eighteen Senators voted yea, and twenty-five nay. But on the Evans resolution itself, which was a deliberate expression of the Senate's opinion of their constitutional rights, the vote stood thirty-three yeas and four nays; only four Senators voting that the Senate had the right to originate such a bill. It would be difficult to find, in the recent history of Congress, the same number of names of so great authority as those recorded in favor of the Evans resolution. Among them were Bayard, Buchanan, Choate, Rives, and Wright.[1]

In the first session of the Thirty-fourth Congress there occurred a very able and very interesting debate on another phase of the constitutional clause now under consideration. In the House, there was a long and fierce contest over the election of Speaker, which greatly delayed the course of legislation. While this struggle was going on, Mr. Brodhead of Pennsylvania submitted to the Senate, on the 11th of December, 1855, the following resolution: "That the Committee on Finance be directed to inquire into the expediency of reporting the appropriation bills for the support of the government, or adopting other measures, with a view of obtaining more speedy action on said bills."

Mr. Brodhead proposed to give full time for consideration, and said that he should then "ask the Senate to consider the question of the power and the right of this body to originate the general appropriation bills." On the 7th of January following, Mr. Brodhead defended his resolution in an elaborate speech. The debate was continued from time to time, and concluded on the 7th of February, when the Senate passed

[1] For the above history, see Congressional Globe, First Session, Twenty-eighth Congress, Part I. pp. 47, 121, 633.

the resolution. In the course of the debate the constitutional clause was very ably discussed. Senator Brodhead argued, first, that the original draft of the clause, as adopted by the Constitutional Convention, expressly excluded the Senate from the right to originate appropriation bills; but, secondly, as the clause was finally adopted, no exclusion of appropriation bills was named, and it must therefore be inferred that the Senate possessed the right of originating them.[1] Mr. Seward replied briefly to Mr. Brodhead on the same day. He said: —

"It is true that, according to the letter of the Constitution, appropriation bills may be originated by the Senate, for they are not strictly revenue bills, yet we all know that, in point of fact, they have come into the place of revenue bills. We make a revenue bill but once in ten or twelve years, and these appropriation bills are in fact what were intended, I suppose, by the framers of the Constitution as bills of revenue. They appropriate the revenue, which is only regulated by a bill passed once in a period of several years. . . . . As the tendency of things strikes me, it is now, and has for many years been, to concentrate in the Senate a larger share than in the House of the various legislation which the country requires."[2]

From the more elaborate speech of Mr. Seward, made a month later, I quote a few striking passages.

"The government has been in operation since the year 1789, a period of more than half a century, and never yet has a general appropriation bill been prepared, or reported, or submitted to the Senate, or sent to the House of Representatives from this body. On the other hand, the practice for this period of seventy years has been, that all appropriation bills of that character have originated in the House of Representatives, and have been sent to this house for its concurrence and amendment. As this, then, is a proposition made, not only for the first time within our own experience, but for the first time since the foundation of the government, we are to presume that it will be admitted that what is proposed is an innovation, a direct, specific, and effective innovation."

After speaking of the decay of liberty in Europe, and the despotic spirit which, from the beginning of the sixteenth century, overpowered the peoples of Europe, he said: —

"The British government alone presented then, as I think it presents now almost alone, an instance of the existence of a limited monarchy, conservative of the freedom of the people. Some maxims which were well

[1] Congressional Globe, January 7, 1856, pp. 160, 161. [2] Ibid., p. 162.

understood in Europe, but were adhered to only by Great Britain, saved this great, beneficial, and benign result. One of those was that the power of raising and applying money belonged to the House of Commons, to the people's House, — to the House which directly represented the people as distinct from the Executive himself, or from that other branch of the legislature which represented a distinct interest in the state."

After showing that this feature of our Constitution was borrowed from that of Great Britain, he said: —

"By money bills was understood, as is now understood in Great Britain, equally bills for raising moneys and bills for paying moneys for the support of the government. Here, in modern times, we have come to distinguish between bills for raising money and bills for appropriating money or appropriating revenue; but in the British system the principle prevailed then, and it yet prevails, that the House of Commons, regarded as the representatives of the people, had the exclusive power of originating bills for the raising and for the expenditure of revenue. It was this power which carried the Commons of Great Britain through that revolution in which they saved the cause of national liberty and of constitutional freedom when it was in danger of being overborne by the influence and power of the Executive and of the House of Lords."

Mr. Seward then alluded to the compromises of the Constitution, in which this clause played so important a part, and referred to the fact cited by Senator Brodhead, that in the original draft of the Constitution appropriation bills were especially mentioned as belonging to the House to originate, but that in the final draft they were omitted; and on this point he said: —

"I am not going to contend that the provision of the Constitution which I have read, by its letter, forbids the Senate from originating appropriation bills; its letter clearly concedes it, and I concede also that there is an argument to be drawn from the fact that the Convention discussed the proposition in both its shapes, and finally adopted the one which we now find, in which the limitation is applied only to bills originating revenue, that the Convention may have considered that appropriation bills might be originated in the Senate.

"But against this argument is one which seems to me perfectly conclusive, and it is this reply: whatever the Convention may have purposed, and however they may have understood the Constitution which they have framed, the fact is a stubborn one that the Senate has never originated an appropriation bill, but that it has always conceded to the House of Representatives the origination of appropriation bills; and the House

of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and executed that right itself. This could not have been accidental; it was therefore designed. The design and purpose were those of the contemporaries of the Constitution itself, and it evinces their understanding of the subject, which was that bills of a general nature for appropriating the public money, or for laying taxes or burdens on the people, direct or indirect in their operation, belonged to the province of the House of Representatives."[1]

Mr. Sumner also made an elaborate and powerful speech, defending the positions Mr. Seward had assumed. Mr. Wilson, of Massachusetts, strongly indorsed the position of his colleague and Mr. Seward. As already remarked, the opposite view prevailed in the Senate, and the resolution passed, February 7, 1856.

In pursuance of this resolution, the Senate Committee on Finance reported the general appropriation bill for invalid pensions. It passed the Senate on the 28th of February. Soon afterward the Senate also passed the general appropriation bill for the repair of fortifications. Both these bills were laid on the table of the House on the 17th of April, without having been referred or debated, thus ending the attempt of the Senate to change the uniform, unbroken custom of the government from its foundation to the present time; and it may still be said, as Mr. Seward declared in 1856, that up to this time no general appropriation bill which originated in the Senate ever became a law.

There may be other precedents than those I have cited; but, after considerable search among the historical records of the government, I have found no others in which the question now at issue was discussed. Justice to the history of the subject requires, however, that I should mention one instance in which the Senate originated a bill that subsequently became a law, and which may perhaps be regarded as a precedent on the other side. It was the act of March 3, 1815, repealing several acts imposing duties on the tonnage of ships and vessels, and regulating the relative duties charged on goods imported in foreign vessels and vessels of the United States.

By examining this act, it will be seen that it was rather a regulation of commerce than of revenue, and its object was to regulate the tonnage dues on ships. It does not appear that,

[1] For the above quotations from Mr. Seward, see Congressional Globe, February 7, 1856, pp. 375, 376.

in the course of the debate, the constitutional question was raised. The act, consisting of a single brief section, passed the House on the last day of the session, without debate. There may be other precedents in the same direction as strong as this, but I have not found them. I will also remark, that the custom is well settled that the Senate may originate private bills that appropriate money to claimants.

In reviewing the ground I have travelled over, the results of the investigation may be thus summed up: —

First. That the exclusive right of the House of Commons of Great Britain to originate money bills is so old that the date of its origin is unknown; that it has always been regarded as one of the strongest bulwarks of British freedom against usurpations of the King and of the House of Lords, and has been guarded with the most jealous care; that in the many contests which have arisen on this subject between the Lords and Commons during the last three hundred years, the Commons have never given way, but have rather enlarged than diminished their jurisdiction of this subject; and that since the year 1678 the Lords have conceded, with scarcely a struggle, that the Commons had the exclusive right to originate, not only bills for raising revenue, but for decreasing it; not only for imposing, but also for repealing taxes; and that the same exclusive right extended also to all general appropriations of money.

Second. The clause of our Constitution now under debate was borrowed from England, and was intended to have the same force and effect in all respects as the corresponding feature of the British constitution, with this single exception, that our Senate is permitted to offer amendments, as the House of Lords is not.

Third. In addition to the influence of the British example is the further fact, that this clause was placed in our Constitution to counterbalance some special privileges granted to the Senate. It was the compensating weight thrown into the scale to make the two branches of Congress equal in authority and power. It was first put into the Constitution to compensate the large States for the advantages given to the small States in allowing them an equal representation in the Senate; and when, subsequently, it was thrown out of the original draft, it came near unhinging the whole plan. It was reinserted in the last great compromise of the Constitution, to offset the exclusive

right of the Senate to ratify treaties, confirm appointments, and try impeachments.

Fourth. The construction given to it by the members of the Constitutional Convention is the same which this House now contends for. The same construction was asserted broadly and fully by the First Congress, many of the members of which were framers of the Constitution. It has been asserted again and again, in the various Congresses, from the first till now; and though the Senate has often attempted to invade this privilege of the House, yet in no instance has the House surrendered its right whenever that right has been openly challenged; and finally, whenever a contest has arisen, many leading Senators have sustained the right of the House as now contended for.

The whole history of the subject leads to the inevitable conclusion that this clause of the Constitution confers absolutely and exclusively upon the House the right to originate all measures for the imposition, regulation, increase, diminution, or repeal of taxes. This is the proper meaning of the clause itself, and legislative interpretation has confirmed it. Though the language of the clause does not, strictly construed, include appropriations, yet the invariable custom of Congress has construed the exclusive right of the House to originate money bills as applying to all bills for the appropriation of public moneys to carry on the government.

In the light of this history, it is easy to determine the merits of the question of difference now pending between the two Houses. For the sake of argument, let us suppose that the Senate may constitutionally do what that body now claims the right to do, that is, to originate a bill for the reduction or repeal of any existing taxes. If such a bill be once rightfully introduced into the Senate for consideration, by what known law or rule can Senators be precluded from offering any germane amendment? What, then, prevents the Senate from so amending a bill that in its final shape it may provide for increasing the tax? If it be said that the amendment would put the bill in a shape where the Senate would not have a right to pass it, I answer that an amendment germane to the subject-matter of the bill, made in accordance with the rules of the Senate, cannot be unconstitutional. The unconstitutionality must consist in permitting the introduction of a bill which makes such a result possible under the rules of the Senate.

Let us trace more closely the steps by which a bill to impose taxes becomes a law.

First, the House has the exclusive right to originate it, and the Senate can never act on such a bill until it has first passed the House. Then, the Senate is fully empowered by the Constitution to reject the bill, to amend it, or to pass it without amendment. In short, a bill thus sent to the Senate is in the full possession of that body for all legislative purposes. Now, when both houses have thus exercised their constitutional rights, and the bill has become a law, it is claimed that the Senate may originate any bill which can be founded on a repeal of any clause of the law just passed, provided that clause imposes a tax. The result of this reasoning would be that, after the first bill imposing taxes upon the people, and establishing a general revenue system had become a law, the exclusive right of the House to originate such bills practically ceased, and the clause of the Constitution conferring the right became *functus officio;* for the Senate, under the cover of reducing or repealing the whole or some part of the taxation embraced in that first law, might introduce any bill thereafter covering the whole subject. Even Senators must admit that, before the first revenue law passed under the Constitution, the Senate could not have originated any revenue bill whatever. They must therefore hold that the passage of a revenue law conferred upon the Senate a constitutional right which they did not before possess. The construction insisted upon by the Senate leads to this inevitable result, and makes the clause under consideration a temporary provision, which, being once fully used, ceases to be any longer a living part of the Constitution.

On the contrary, the House insists that this clause of the Constitution was intended, like the corresponding part of the British constitution, to be a perpetual safeguard to the people. It was intended to hold forever the power of initiative in the grasp of the House, which directly represents the people, and whose members every two years surrender to the tax-payers of the nation all their legislative powers, and to exclude from the right of initiative that body which is not chosen by the people, but by State legislatures, which pay no national taxes, and bear no national burdens. The House of Representatives alone has a Committee of Ways and Means; the Senate committee is known by another name, — Committee on Finance. It is here,

and here only, that plans may be inaugurated to provide ways and means for the support of the government.

Again, if the Senate may throw their whole weight, political and moral, into the scale in favor of the repeal or reduction of one class of taxes, they may thereby compel the House to originate bills to impose new taxes, or increase old ones to make up the deficiency caused by the repeal begun in the Senate, and thus accomplish by indirection what the Constitution plainly prohibits.

What Mr. Seward said in 1856 of the encroachments of the Senate is still more strikingly true to-day. The tendency of the Senate is constantly to encroach, not only upon the jurisdiction of the House, but upon the rights of the Chief Executive of the nation. The power of confirming appointments is rapidly becoming a means by which the Senate dictates appointments. The Constitution gives to the President the initiative in appointments, as it gives to the House the initiative in revenue legislation. Evidences are not wanting that both these rights are every year subjected to new invasions. If, in the past, the Executive has been compelled to give way to the pressure, and has in some degree yielded his constitutional rights, it is all the more necessary that this House stand firm, and yield no jot or tittle of that great right intrusted to us for the protection of the people.

At the second session of the Forty-second Congress the question of originating revenue bills came up in a new form. This is shown by the following resolution, adopted by the House, April 2, 1872, on the motion of Mr. Dawes, of Massachusetts: —

"*Resolved*, That the substitution by the Senate, under the form of an amendment, for the bill of the House, entitled 'An Act to repeal existing Duties on Tea and Coffee,' of a bill entitled 'An Act to decrease existing Taxes,' containing a general revision, reduction, and repeal of laws imposing impost duties and internal taxes, is in conflict with the true intent and purpose of that clause of the Constitution which requires that 'all bills for raising revenue shall originate in the House of Representatives'; and that therefore said substitute for the House bill do lie upon the table."

Mr. Garfield made a brief speech on the respective rights of the two houses, but only his remarks on the new question are here given.

MR SPEAKER, — The case now before us is new and difficult. I think the same point has never before come into controversy. It raises the question how far the Senate may go in asserting their right to "propose or concur with amendments, as on other bills."

We must not construe our rights so as to destroy theirs, and we must take care they do not so construe their rights as to destroy ours. If their right to amendment is unlimited, then our right amounts to nothing whatever. It is the merest mockery to assert any right. What, then, is the reasonable limit to this right of amendment? It is clear to my mind that the Senate's power to amend is limited to the subject-matter of the bill. That limit is natural, is definite, and can be clearly shown. If there had been no precedent in the case, I should say that a House bill relating solely to revenue on salt could not be amended by adding to it clauses raising revenue on textile fabrics, but that all the amendments of the Senate should relate to the duty on salt. To admit that the Senate can take a House bill consisting of two lines, relating specifically and solely to a single article, and can graft upon that bill in the name of an amendment a whole system of tariff and internal taxation, is to say that they may exploit all the meaning out of the clause of the Constitution which we are considering, and may rob the House of the last vestige of its rights under that clause. I am sure that this House, remembering the precedents which have been set from the First Congress until now, will not permit this right to be invaded on such a technicality.

Now I will not say, for I believe it cannot be held, that the mere length of an amendment shall be any proof of invasion of the privileges of the House. True, we sent to the Senate a bill of three or four lines, and they have sent back a bill of twenty printed pages. I do not deny their right to send back a bill of a thousand pages as an amendment to our two lines; but I do insist that their thousand pages must be on the subject-matter of our bill. It is not the number of lines, nor is it — I now respond to my friend from Maine,[1] who asked me a question — nor is it the amount of revenue raised or reduced, of which we have a right to complain. We may pass a bill to raise $1,000,000 from tea or coffee; the Senate may move so to amend it as to raise $100,000,000 from tea and coffee, if such

[1] Mr. Peters.

a thing was possible; or they may so amend it as to make it but one dollar from tea and coffee; or they may reject the bill altogether.

MR. PETERS. May not the Senate add other articles?

If we refer to the practice of the two houses, doubtless the Senate has usually, without any question having been raised by the House, added other articles. And I do not say that this would be trenching on our privileges on a general revenue bill. But the bill on which these amendments were made was in no sense a general revenue bill. It was an act relating exclusively to a single article. There was nothing, either in the title or in the bill itself, to indicate that it was intended as a general revenue bill. Furthermore, it was well known that the proper committee of the House were preparing a general bill, in which the whole subject was to be opened for consideration. Considering all the circumstances of the case, and particularly the fact that on the single clause of our bill relating to but one article of taxation the Senate has ingrafted a general bill, embracing not only the tariff generally, but our whole system of internal taxation, it is clear that the ground we now take is not questionable ground, and it becomes the undoubted duty of the House to stand on its rights, and refuse to consider this bill.

MR. PETERS. Then allow me to ask the gentleman if the rule is a fixed one, or one in the discretion of the House.

I will say this: it is a fixed rule. If the House has ever slept on its rights it ought not to be now concluded from asserting them because of its past neglect; and if there ever was a time in the history of the government when this House should reclaim and assert its rights, it is now and here, when, on the naked lay figure of a two-line bill, the Senate proposes to impose the entire revenue system of the government. If the bill from the Senate now on your table, Mr. Speaker, be recognized by us, we shall have surrendered absolutely, not only the letter, but the spirit of the rule hitherto adopted, and with it our exclusive privilege under the Constitution.

If it be said that this resolution, which the House is asked to adopt, is an unusual one, I answer that the circumstances under which it is proposed are equally unusual. It is well known that the Senate, even in the recess, have been delib-

erately at work preparing the tariff bill; and they have only been waiting the slight opportunity afforded by the two lines which the House sent them, to initiate and take control of our tariff legislation. It is this course of procedure which the House is called upon to resist.

THE KU-KLUX ACT.

SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL 4, 1871.

THE Fourteenth Amendment had no sooner become a part of the Constitution, than Congress began to legislate with a view of carrying out its provisions. Attention may be drawn to the "Act to enforce the Right of Citizens of the United States to vote in the several States of the Union, and for other Purposes," approved May 31, 1870; also to the Act amendatory of said Act, approved February 28, 1871.

March 23, 1871, President Grant sent to the Senate and House of Representatives this message: —

"A condition of affairs now exists in some States of the Union, rendering life and property insecure, and the carrying of the mails and the collection of the revenue dangerous. The proof that such a condition of affairs exists in some localities is now before the Senate. That the power to correct these evils is beyond the control of the State authorities, I do not doubt; that the power of the Executive of the United States, acting within the limits of existing laws, is sufficient for present emergencies, is not clear. Therefore, I urgently recommend such legislation as in the judgment of Congress shall effectually secure life, liberty, and property, and the enforcement of law, in all parts of the United States. It may be expedient to provide that such law as shall be passed in pursuance of this recommendation shall expire at the end of the next session of Congress."

This message was referred in the House to a select committee of nine. March 28, Mr. Samuel Shellabarger, of Ohio, reported from this committee a "Bill to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes." This bill led to an extended discussion, in both houses, of outrages in the South, the final issue of which was the law popularly known as "The Ku-Klux Act," approved April 20. Mr. Garfield's speech was upon the bill as reported by Mr. Shellabarger. His criticisms, and those of other Republican members who shared his general views, led to very material

modifications of the bill, Mr. Shellabarger himself leading the way by offering an important amendment the day after Mr. Garfield's speech was delivered. To follow all the crooks and turns in the history of the Ku-Klux Act, would here be both impossible and out of place. A summary of leading points, and the test votes, will be found in McPherson's "Handbook of Politics," for 1872, pp. 85–91. It is particularly deserving of mention, however, that the martial-law features of the original bill, so severely criticised by Mr. Garfield, were struck out.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."—*Constitution*, Art. XIV. Sec. 1.

MR. SPEAKER, — I am not able to understand the mental organization of the man who can consider this bill, and the subject of which it treats, as free from very great difficulties. He must be a man of very moderate abilities, whose ignorance is bliss, or a man of transcendent genius, whom no difficulties can daunt and whose clear vision no cloud can obscure.

The distinguished gentleman [1] who introduced the bill from the committee very appropriately said that it requires us to enter upon unexplored territory. That territory, Mr. Speaker, is the neutral ground of all political philosophy, — the neutral ground for which rival theories have been struggling in all ages. There are two ideas so utterly antagonistic that when, in any nation, either has gained absolute and complete possession of that neutral ground, the ruin of that nation has invariably followed. The one is that despotism which swallows and absorbs all power in a single central government; the other is that extreme doctrine of local sovereignty which makes nationality impossible, and resolves a general government into anarchy and chaos. It makes but little difference as to the final result which of these ideas drives the other from the field; in either case, ruin follows. The result exhibited by the one was seen in the United Netherlands, which Madison, in the Federalist,[2] describes as characterized by "imbecility in the government; discord among the provinces; foreign influence and indignities; a

[1] Mr. Shellabarger. [2] No. 20.

precarious existence in peace, and peculiar calamities from war." This is a fitting description of all nations who have carried the doctrine of local self-government so far as to exclude the doctrine of nationality. They were not nations, but mere leagues bound together by common consent, ready to fall to pieces at the demand of any refractory member. The opposing idea was never better illustrated than when Louis XIV. entered the French Assembly, booted and spurred, and girded with the sword of ancestral kings, and said to the deputies of France, "The state? I am the state!"

Between these opposite and extreme theories of government, the people have been tossed from century to century; and it has been only when these ideas have been in reasonable equipoise, when this neutral ground has been held in joint occupancy, and usurped by neither, that popular liberty and national life have been possible. How many striking illustrations of this do we see in the history of France! The despotism of Louis XIV. followed by a reign of terror, when liberty had run mad and France was a vast scene of blood and ruin! We see it again in our day. Only a few years ago the theory of personal government had placed in the hands of Napoleon III. absolute and irresponsible power. The communes of France were crushed, and local liberty existed no longer. Then followed Sedan and the rest. On the first day of last month, when France was trying to rebuild her ruined government, when the Prussian cannon had scarcely ceased thundering against the walls of Paris, a deputy of France rose in the National Assembly and moved, as the first step toward the safety of his country, that a committee of thirty should be chosen, to be called the Committee of Decentralization. But it was too late to save France from the fearful reaction from despotism. The news comes to us, under the sea, that on Saturday last the cry was ringing through France, "Death to the priests, and death to the rich!" and the swords of the citizens of that new republic are now wet with each other's blood.

The records of time show no nobler or wiser work done by human hands than that of our fathers when they framed this republic. Beginning in a wilderness world, they wrought unfettered by precedent, untrammelled by custom, unawed by kings or dynasties. With the history of other nations before

them, they surveyed the new field. In the progress of their work they encountered these antagonistic ideas which I have stated. They attempted to trace through that neutral ground a boundary line across which neither force should pass. The result of their labors is our Constitution and frame of government. I never contemplate the result without feeling that there was more than mortal wisdom in the men who produced it. It has seemed to me that they borrowed their thought from Him who constructed the universe and put it in motion. For nothing more aptly describes the character of our republic than the solar system, launched into space by the hand of the Creator, where the central sun is the great power around which revolve all the planets in their appointed orbits. But while the sun holds in the grasp of its attractive power the whole system, and imparts its light and heat to all, yet each individual planet is under the sway of laws peculiar to itself.

Under the sway of terrestrial laws, winds blow, waters flow, and all the tenantries of the planet live and move. So, sir, the States move on in their orbits of duty and obedience, bound to the central government by this Constitution, which is their supreme law; while each State is making laws and regulations of its own, developing its own energies, maintaining its own industries, managing its local affairs in its own way, subject only to the supreme but beneficent control of the Union. When State rights run mad, put on the form of Secession, and attempted to drag the States out of the Union, we saw the grand lesson taught, in all the battles of the late war, that a State could no more be hurled from the Union without ruin to the nation, than could a planet be thrown from its orbit without reducing to chaos the whole solar universe.

Sir, the great war for the Union has vindicated the centripetal power of the nation, and has exploded, forever I trust, the disorganizing theory of State sovereignty which slavery attempted to impose upon this country. But we should never forget that there is danger in the opposite direction. The destruction or serious crippling of the principle of local government would be as fatal to liberty as secession would have been fatal to the Union.

The first experiment in government-making which our fathers tried after the War of Independence was a failure, because the central power created by the Articles of Confederation was

not strong enough. The second, though nobly conceived, became almost a failure because slavery attempted so to interpret the Constitution as to reduce the nation again to a confederacy, a mere league between sovereign States. But now that we have vindicated and secured the centripetal power, let us see that the centrifugal force is not destroyed, but that the grand and beautiful equipoise is maintained.

No more beautiful thought was embodied in the structure of our republic than this, — that our fathers did so distribute the powers of government that no one power should be able to swallow, absorb, or destroy the others. In this distribution it is provided that many, indeed most, of the functions of government shall be exercised immediately under the eyes of the people themselves. Let me illustrate this by the system of taxation in my own State. I have here a statement of the taxation of the State of Ohio for the last year. There was raised in 1870, under State laws, nearly twenty-four millions of dollars. Less than five millions of the twenty-four found its way to the State treasury at Columbus. Less than four millions, indeed, was used for central purposes. Nineteen of the twenty-four millions was levied within the townships and the counties, under the direction of township trustees and city and county officers; and, in accordance with the general laws of the State, these sums were expended at home, under the direction of the very men who specially consented that the tax should be levied. Twelve and a half millions was raised and expended in the townships. Mr. Speaker, although, as in Ohio, more than half of all the taxes raised are kept in the treasuries of the townships, how often have you heard of embezzlement or defalcation by township officers? Where in the nation is there so wise and so honest an administration of affairs as in the townships, under the eye of the people who have approved the levy, and who watch the expenditure of the money? We have sometimes heard of defalcations of county treasurers, because they live some distance away from the Argus eyes which watch over their proceedings. We have oftener heard of State defalcations, because State officers are still further away. And oftener still we hear of national defalcations, where the power is exercised still further away from the people who grant it. I mention this as an illustration of the character of our government.

The illustration might be extended with equal force to the

administration of justice in townships and counties, where offences against persons and property are tried before judges of the people's own choosing, and before jurors who are the neighbors of the parties, who can administer justice far better than is possible at distant and remote points, where both court and jury are strangers to the litigants.

But I turn from these general remarks to the consideration of those features of our Constitution which relate more immediately to the subject of the bill now before the House.

I presume it will not be denied that, before the adoption of the last three amendments, it was the settled interpretation of the Constitution that the protection of the life and property of private citizens within the States belonged to the State governments exclusively. I will, however, fortify this position by a few authorities which will not be questioned. Mr. Madison says, in the Federalist: "The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."[1]

In the celebrated case of Cohens *v.* Virginia,[2] the Supreme Court takes the same ground; and Mr. Justice Story, in his Commentaries on the Constitution, quotes with approval the following passage from the opinion of that court: "Congress has a right to punish murder in a fort, or other place within its exclusive jurisdiction, but no general right to punish murder committed within any of the States."[3]

In February, 1866, while debating a proposed amendment to the Constitution, which in its final form became the fourteenth article, my colleague, Mr. Bingham, quoted the passage from the Federalist which I have already quoted, and then said: "The words of Madison cited are very significant. . . . . The fact is, that Congress has never by penal enactment, in all the past, attempted to enforce these rights of the people in any State of the Union."[4] In the same debate he also said: "We have not the power, in time of peace, to enforce the citizen's rights to life, liberty, and property within the limits of South Carolina, after her State government shall be recognized, and her constitutional relations restored."[5]

[1] No. 45. [2] 6 Wheaton, 424. [3] Section 1231.
[4] Congressional Globe, February 28, 1866, p. 1093. [5] Ibid., p. 1090.

On the 9th of March, 1866, when the Civil Rights Bill was under debate, he also said: "The Constitution does not delegate to the United States the power to punish offences against the life, liberty, or property of the citizen in the States; nor does it prohibit that power to the States, but leaves it as the reserved power of the States, to be by them exercised." [1] And again, in the same speech: "I have always believed that the protection in time of peace within the States of all the rights of person and citizen was of the powers reserved to the States. And so I still believe." [2]

While the first section of the Civil Rights Bill was under debate, my colleague, Mr. Shellabarger, said: "If this section did in fact assume to confer, or define, or regulate these civil rights, which are named by the words *contract*, *sue*, *testify*, *inherit*, &c., then it would, as it seems to me, be an assumption of the reserved rights of the States and the people. . . . . The bill does not reach mere private wrongs, but only those done under color of State authority; and that authority must be extended on account of the race or color. It is meant, therefore, not to usurp the powers of the States to punish offences generally against the rights of citizens in the several States, but its whole force is expended in defeating an attempt, under State laws, to deprive races and the members thereof, as such, of the rights enumerated in this act. This is the whole of it." [3]

In the same debate, Mr. Delano, of Ohio, now Secretary of the Interior, speaking of the Constitution, said: "It was never designed to take away from the States the right of controlling their own citizens in respect to property, liberty, and life. If we now go on in a system of legislation based upon the assumption that Congress possesses the right of supreme control in this respect, I submit whether we are not assisting to build up a consolidated government, in view of the powers of which we may well tremble." [4]

Authorities might be cited to a much greater length. They all concur in the statement with which I set out, that the power to protect the life and property of private citizens within the States was left by the Constitution exclusively to the State governments.

[1] Congressional Globe, March 9, 1866, p. 1291.
[2] Ibid., p. 1293.
[3] Ibid., p. 1294.
[4] Congressional Globe, Appendix to 1st Session of 39th Congress, p. 158.

Now, three Amendments, the Thirteenth, Fourteenth, and Fifteenth, have been added to the Constitution, and it will not be denied that each of these amendments has so modified the Constitution as to change the relation of Congress to the citizens of the States. They have to some extent enlarged the functions of Congress, and, within prescribed limits, have extended within the States its jurisdiction. I now inquire how far this jurisdiction has been extended.

The Thirteenth Amendment provides that slavery shall never exist within the United States, or any place subject to their jurisdiction; and Congress is empowered to enforce this provision on every inch of soil covered by our flag. Congress may by its legislation prevent any person from being made a slave by any law, usage, or custom, or by any act direct or indirect. This, I presume, will not be denied; and Congress has effectually carried out this provision.

The Fifteenth Amendment, the last of the three, says the rights of citizens of the United States to vote shall not be denied or abridged, either by the United States or by any State, in consequence of race, color, or previous condition of servitude. And that, taken in connection with the clause in the main text of the Constitution, which authorizes Congress to regulate the time, place, and manner of holding elections, arms Congress with the full power to protect the ballot-box at all elections, at least of officers of the United States, and to protect the right of all men to the suffrage within the limit of that clause. On this point, I presume, there will be no difference of opinion, at least on this side of the House. In pursuance of this power we passed the act of May 31, 1870, and the amendatory act of February 28, 1871.

I now come to consider, for it is the basis of the pending bill, the Fourteenth Amendment. I ask the attention of the House to the first section of that amendment, as to its scope and meaning. I hope gentlemen will bear in mind that this debate, in which so many have taken part, will become historical, as the earliest legislative construction given to this clause of the amendment. Not only the words which we put into the law, but what shall be said here in the way of defining and interpreting the meaning of the clause, may go far to settle its interpretation and its value to the country hereafter. No thorough discussion of this clause is possible which does not include a

history of some of the leading facts connected with its origin and its adoption by Congress. I will therefore state briefly the proceedings of this House on the first form of amendment proposed on the subject embraced in the first section of the Fourteenth Amendment, as it now stands in the Constitution.

On the 13th of February, 1866, Mr. Bingham reported, from the Committee on Reconstruction, a joint resolution proposing the following amendment to the Constitution of the United States: "Article —. The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several States; and to all persons in the several States equal protection in the rights of life, liberty, and property."[1]

The debate proceeded at great length, and the necessity for increased protection against the hostile legislation of the States to those who had lately been slaves was strongly urged. I will quote a few paragraphs from the debate, to show some of the leading reasons that were urged for and against the proposition.

Mr. Higby, of California, insisted that this amendment was necessary in order to protect the lives and property of citizens in the South. He showed how, under the Thirteenth Amendment, the laws of the States might be so administered as to put black men into slavery under pretence of sentencing them for crime; and that without additional power given to Congress, the general government could not prevent such a result.[2] Others urged the amendment on the same and similar grounds.

Mr. Hale, of New York, opposed the amendment. He said that under it "all State legislation, in its codes of civil and criminal jurisprudence and procedure affecting the individual citizen, may be overriden, may be repealed or abolished, and the law of Congress established instead. I maintain," he said, "that in this respect it is an utter departure from every principle ever dreamed of by the men who framed our Constitution."[3]

On the 28th of February, my colleague, Mr. Bingham, made a very able and elaborate speech in defence of the amendment. He based its necessity on the fact that Congress had then no power to legislate for life, liberty, and property within the States. He affirmed, also, that the guaranties of the rights of

[1] Congressional Globe, Feb. 13, 1866, p. 813.
[2] Ibid., Feb. 27, p. 1056.
[3] Ibid., Feb. 27, p. 1063.

property and person named in the fifth article of the Amendments to the Constitution were not limitations on the State governments, but only on Congress. To support this position he quoted the case of Barron *v.* The Mayor and City Council of Baltimore;[1] also, Lessee of Livingston *v* Moore and others;[2] he also quoted a passage from Daniel Webster;[3] and then said: "The question is simply whether you will give, by this amendment, to the people of the United States the power, by legislative enactment, to punish officials of States for violation of the oaths enjoined upon them by their constitution."[4]

In the course of Mr. Bingham's speech, Judge Hale, of New York, asked him "whether, in his opinion, this proposed amendment to the Constitution does not confer upon Congress a general power of legislation for the purpose of securing to all persons in the several States protection of life, liberty, and property, subject only to the qualification that that protection shall be equal." To which Mr. Bingham replied: "I believe it does in regard to life, and liberty, and property, as I have heretofore stated it; the right to real estate being dependent on the State law except when granted by the United States." Mr. Hale said further, "I desire to know if he means to imply that it extends to personal estate?" And Mr. Bingham replied, "Undoubtedly it is true."[5]

Mr. Conkling, now a Senator from the State of New York, during the same debate said of this amendment: "It was introduced several weeks ago, and considered in the committee of fifteen. At that time and always I felt constrained to withhold from it my support as one of the committee, and when the consent of the committee was given to its being reported, I did not concur in the report."[6]

Mr. Hotchkiss, of New York, said: "I understand the amendment, as now proposed, by its terms to authorize Congress to establish uniform laws throughout the United States upon the subject named, the protection of life, liberty, and property. I am unwilling that Congress shall have any such power."[7]

I have been thus particular in reviewing the history of this debate, in order to show the sentiment that then prevailed in this House in regard to one of the theories which we are now asked to adopt.

[1] 7 Peters, 247. [2] 7 Peters, 469. [3] Works, Vol. III. p. 471.
[4] Congressional Globe, Feb. 28, p. 1090. [5] Ibid., p. 1094.
[6] Ibid., p. 1094. [7] Ibid., p. 1095.

Now, let it be remembered that the proposed amendment was a plain, unambiguous proposition to empower Congress to legislate directly upon the citizens of all the States in regard to their rights of life, liberty, and property. Mark the action of the House. After a debate of two weeks, the record of which covers more than one hundred and fifty columns of the Globe, and in which the proposed amendment was subjected to a most searching examination, it became evident that many leading Republicans of this House would not consent to so radical a change in the Constitution, and the bill was recommitted to the joint select committee.

MR. BINGHAM. The gentleman is mistaken. A motion was made to lay that amendment on the table. There were 41 votes in favor of the motion and 110 against it. I voted myself in favor of a postponement; but the measure was not recommitted, for I was a member of the committee and knew what it could do.

My colleague is technically right in saying that the measure was postponed. Of course the majority did not allow it to be laid on the table on the motion of a member of the opposite party, and the motion was voted down, as my colleague has said. But the consideration of the measure was postponed on motion of Mr. Conkling, who had opposed it from the start; and it did in fact go back to the committee, and was never again discussed in this House. What is more, it was never debated at all in the Senate, though it was introduced into that body by Mr. Fessenden on the same day that Mr. Bingham introduced it into the House. The whole history of the case shows that it became perfectly evident, both to the members of the Senate and of the House, after the House debate, that the measure could not command a two-thirds vote of Congress, and for that reason the proposition was virtually withdrawn. Its consideration was postponed, February 28, by a vote of 110 to 37.

More than a month passed after this postponement, or recommittal, without further action in either House. On the 30th of April, 1866, the Fourteenth Amendment was introduced into this House, and the first section was precisely as it now stands in the Constitution, except that the first sentence of the present text was not in the draft. The new form of amendment was also debated at great length. The gentleman who reported it from the committee, the late Mr. Stevens, of

Pennsylvania, said that it came far short of what he wished, but after full consideration he believed it the most that could be obtained.

MR. BINGHAM. My colleague will allow me to correct him again. The remark of Mr. Stevens had no relation whatever to that provision, none at all. That is all I have to say on that point now.

My colleague can make, but he cannot unmake history. I not only heard the whole debate at the time, but I have lately read over, with scrupulous care, every word of it as recorded in the Globe. I will show my colleague that Mr. Stevens did speak specially of this very section.

The debate on this new proposition, which afterward became the Fourteenth Amendment, was opened by Mr. Stevens, May 8th, in a characteristic and powerful speech. He spoke of the difficulties which the joint committee on reconstruction had encountered, and of the long struggle they had had to reach any proposition on which the friends of the amendment could unite. He said: —

"This proposition is not all that the committee desired. It falls far short of my wishes, but it fulfils my hopes. I believe it is all that can be obtained in the present state of public opinion. . . . . The first section prohibits the States from abridging the privileges and immunities of citizens of the United States, or unlawfully depriving them of life, liberty, or property, or of denying to any person within their jurisdiction the 'equal' protection of the laws.

"I can hardly believe that any person can be found who will not admit that every one of these provisions is just. They are all asserted, in some form or other, in our Declaration or organic law. But the Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect, and allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate *equally* upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford *equal* protection to the black man. Whatever means of redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of the skin. Now color disqualifies a man from testifying in courts or being tried in the same way as white men. I need not enumerate these

partial and oppressive laws. Unless the Constitution should restrain them, those States will all, I fear, keep up this discrimination, and crush to death the hated freedmen."[1]

In the long debate which followed, this section of the amendment was considered as equivalent to the first section of the Civil Rights Bill, except that a new power was added in the clause which prohibits any State from depriving any person within its jurisdiction of the equal protection of the laws. The interpretation of this first section, as given by Mr. Stevens, was the one followed by almost every Republican who spoke on the measure. It was throughout the debate, with scarcely an exception, spoken of as a limitation of the power of the States to legislate unequally for the protection of life and property.

On the 9th of May, Mr. Eliot, of Massachusetts, said: "I support the first section because the doctrine it declares is right, and if, under the Constitution as it now stands, Congress has not the power to prohibit State legislation discriminating against classes of citizens, or depriving any persons of life, liberty, or property without due process of law, or denying to any persons within the State the equal protection of the laws, then, in my judgment, such power should be distinctly conferred."[2]

Mr. Farnsworth approved the amendment, but said that the first section might as well be reduced to the words, "No State shall deny to any person within its jurisdiction the equal protection of the laws," for that was the only provision in it which was not already in the Constitution.[3]

It is noticeable, also, that no member of the Republican party made any objection to this section on the grounds on which so many had opposed the former resolution of amendment; but many expressed their regret that the article was not sufficiently strong.

Mr. Shanklin, of Kentucky, a Democrat, said, "The first section of this proposed amendment to the Constitution is to strike down those State rights, and invest all power in the general government."[4] Mr. Rogers, of New Jersey, a Democrat, took similar ground.[5]

[1] Congressional Globe, May 8, 1866, p. 2459.
[2] Ibid., May 9, 1866, p. 2511.
[3] Ibid., May 10, 1866, p. 2539.
[4] Ibid., May 9, 1866, p. 2500.
[5] Ibid., p 2538.

These two are the only declarations that I find in the House debates, either by Democrats or Republicans, indicating that this clause was regarded as placing the protection of the fundamental rights of life and property directly in the control of Congress; and the declarations of Shanklin and Rogers were general and sweeping charges, not sustained even by specific statement.

I close this citation of speeches on the amendment by quoting the view taken of the scope and meaning of this first section by my colleague, Mr. Bingham. He said this section gives power "to protect by national law the privileges and immunities of all the citizens of the republic, and the inborn rights of every person within its jurisdiction, whenever the same shall be abridged or denied by unconstitutional acts of any State. Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that ever pertained to it. No State ever had the right, under the forms of law or otherwise, to deny to any freeman the equal protection of the laws, or to abridge the privileges or immunities of any citizen of the republic, although many of them have assumed and exercised the power, and that without remedy."[1]

After a debate on this new proposition, which lasted several days and evenings, the amendment passed the House, May 10, 1866, by a vote of 128 ayes to 37 noes, not one Republican voting against it. It will not be denied, as a matter of history, that this second form of amendment received many Republican votes that the first form could not have received. In the Senate there was but little debate on the first section, and no change was made in it, except that these words were added at the beginning of the section: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."[2]

Other changes were made by the Senate in other sections of the amendment, and the whole, as amended, passed, June 8, by a vote of 33 to 11.

On the 13th of June the House passed the article, with the Senate amendments, by a vote of 120 to 32, every Republican present voting for it.

With this review of the history of the clause rejected and of the clause adopted in our minds, I ask gentlemen to consider

[1] Congressional Globe, May 10, 1866, p. 2542. [2] Ibid., May 30, 1866, p. 2890.

the difference between the two. Putting the fifth clause of the amendment first, and, to make the comparison closer, omitting the definition of citizenship, the section as adopted reads thus: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." To wit: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

And this is the rejected clause: "The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several States; and to all persons in the several States equal protection in the rights of life, liberty, and property."

The one exerts its force directly upon the States, laying restrictions and limitations upon their power, and enabling Congress to enforce these limitations. The other, the rejected proposition, would have brought the power of Congress to bear directly upon the citizens, and contained a clear grant of power to Congress to legislate directly for the protection of life, liberty, and property within the States. The first limited, but did not oust, the jurisdiction of the State over these subjects; the second gave Congress plenary power to cover the whole subject with its jurisdiction, and, as it seems to me, to the exclusion of the State authorities. Unless we ignore both the history and the language of these clauses, we cannot, by any reasonable interpretation, give to the section, as it stands in the Constitution, the force and effect of the rejected clause.

Mr. Speaker, I now inquire to what extent this section does enlarge the powers of Congress. On the proper answer to this inquiry will chiefly rest our power of legislation on the subject before us. The first sentence of the section defines citizenship. It declares that "all persons born and naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

On the threshold of the section we find a conflict of opinion. In his very able speech, my colleague[1] has given us his interpretation of this first sentence. He says: "The United States

[1] Mr. Shellabarger.

added to its Constitution what was not in it before; because never before was it found in the Constitution in express words that all people in this country were citizens of the United States as well as of the States. This was added, and added for a purpose. . . . . The making of them United States citizens, and authorizing Congress by appropriate law to protect that citizenship, gave Congress power to legislate directly for enforcement of such rights as are fundamental elements of citizenship. This, sir, is the foundation idea on which this section and the whole bill rest for their constitutional warrant. If right, it solves every possible doubt and difficulty in every part of this great inquiry."[1]

Now, Mr. Speaker, I desire to call attention to this statement, that in putting into the Constitution a definition of citizenship there was given to Congress a great power which did not before exist in the Constitution. Can my colleague by any possibility forget that provision of the Constitution which declares that "no person shall be a Representative who shall not have been seven years" — what? "A citizen of the United States." Can he forget that other clause, which declares that "no person shall be a Senator of the United States who shall not have been nine years a citizen of the United States"? Can he forget that in the first section of the second article it is declared that "no person except a natural-born citizen, or a citizen of the United States at the adoption of the Constitution, shall be eligible to the office of President"? Were there no citizens of the United States until the Fourteenth Amendment passed? Was my colleague any less a citizen of the United States when he sat in the Thirty-ninth Congress than he is to-day? Sir, the citizens of the United States made this Constitution. It was not the Constitution that made them citizens. The people who ordained and established the Constitution were citizens when they made that instrument.

I know my colleague limits his statement by saying that the Constitution did not before say, "in express words, that all the people in this country were citizens of the United States"; but I ask him and all who hear me whether this was not as true before the adoption of the Fourteenth Amendment as it is to-day. The only doubt I ever heard expressed on this point was whether slaves became citizens of the United States by the

[1] Congressional Globe, 1st Sess. 42d Congress, Appendix, p. 69.

act of emancipation. If they did, the proposition was wholly true, before as well as after the adoption of the amendment.

I hold in my hand Paschal's annotated edition of the Constitution, four pages and a half of which are filled with references to decisions of the courts, from the beginning of the century until now, declaring in the plainest terms that all free persons born or naturalized in the United States are citizens thereof. A weak attempt was made in the Dred Scott case to exclude free colored persons from the rights of citizenship; but that feature of the opinion was in opposition to the main body of previous precedents, and to all subsequent decisions. I will quote but one or two of the many declarations of our constitutional teachers. Chancellor Kent says: "Citizens, under our Constitution and laws, mean free inhabitants, born within the United States, or naturalized under the laws of Congress. . . . . If a slave born in the United States be manumitted, or otherwise lawfully discharged from bondage, or if a black man be born within the United States, and born free, he becomes thenceforward a citizen, but under such disabilities as the laws of the States respectively may deem it expedient to prescribe to free persons of color." [1]

In the admirable opinion of Attorney-General Bates, delivered to Secretary Chase, November 29, 1862, this whole subject is thoroughly discussed. He says: "The Constitution itself does not make the citizens (it is, in fact, made by them). . . . . Every person born in the country is, at the moment of birth, *prima facie*, a citizen." [2]

We have recognized this principle of citizenship in all our naturalization laws. We transform the subjects of foreign governments into citizens of the United States whenever they comply with the terms of our naturalization laws. The Civil Rights Bill broadly and fully affirms the doctrine for which I am here contending.

I remember the able speech of my colleague [3] in favor of the Civil Rights Bill, in the spring of 1866, before this Fourteenth Amendment had been adopted. The first sentence of that law is in these words: "*Be it enacted, etc.*, That all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens."

[1] Commentaries, Vol. II. p. 301, note (edition of 1860).
[2] McPherson's History of the Rebellion, pp. 379, 380.
[3] Mr. Shellabarger.

My colleague and I then believed, as I now believe, that we were fully empowered to make this declaration of citizenship; and so the Republicans in this House and in the Senate believed.

I do not by any means underrate the value and importance of the first sentence of the amendment. It set at rest forever a vexed and troublesome question. It brushed away all the legal subtleties and absurdities that were based on the supposed difference between citizenship of the United States and citizenship of the States; and by declaring that every person born on the soil, and subject to the jurisdiction of the United States, is a citizen both of the nation and of the State wherein he resides; it lifted into undoubted citizenship those who had been slaves, and thus resolved all doubts as to their civil condition. It is clear to my mind that this had already been done by the provisions of the Civil Rights Bill.

It was held by Mr. Justice Swayne, in his learned opinion on the case of Rhodes *v.* The United States,[1] that the Civil Rights Bill naturalized all negroes born in this country who had been slaves, made them citizens, and gave them all the rights, privileges, and immunities to which white men were entitled under the laws. The rights of the white citizens were made the standard to which all others were lifted. But neither the Civil Rights Bill nor the first sentence of the Fourteenth Amendment added to the rights already guaranteed to the white citizen by the Constitution.

If the view I have taken of citizenship be correct, it follows that my colleague is in error when he attempts to find in the first sentence of this first section of the Amendment the power to protect, by Congressional enactment, all the fundamental rights of persons and property within the States, — a power which had theretofore, without question, belonged exclusively to the State governments. If my colleague's reasoning on this point be valid, I do not see how he can stop short of ousting completely the jurisdiction of the States over these subjects. He makes the clause go to the full extent of the one which was rejected.

I shall not be able in the hour assigned me to discuss with thoroughness all the clauses of this section, but I will notice them briefly. The next clause is this: "No State shall make or enforce any law which shall abridge the privileges or immu-

[1] 1 Abbott, 28.

nities of the citizens of the United States." The substance of this provision is in the main text of the Constitution, and has again and again been interpreted by the courts.

MR. BINGHAM. The first clause in the first section of the fourteenth article of amendment, to wit, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," never was in the original text of the Constitution. The original text of the Constitution reads, that the citizens of each State shall be entitled to the privileges and immunities of citizens of the several States; which were always interpreted, even by Judge Story, from whom the gentleman cited in the outset, to mean only privileges and immunities of citizens of the States, not of the United States.

I have made no statement which requires this criticism of my colleague. It is true that the main text of the Constitution which he quotes speaks of State citizenship; but as all persons free-born or naturalized were citizens of the United States, it brings us to the same result as though national citizenship had been expressed in the section quoted. Indeed, the Supreme Court declared, forty years ago, that "a citizen of the United States residing in any State of the Union is a citizen of that State."[1]

My colleague,[2] and also the gentleman from Massachusetts,[3] have given a breadth of interpretation to these words "privileges and immunities" which, in my judgment, is not warranted, and which goes far beyond the intent and meaning of those who framed and those who amended the Constitution. The gentleman from Massachusetts said in his speech: "Congress is empowered by the Fourteenth Amendment to pass all 'appropriate legislation' to secure the privileges and immunities of the citizen. Now, what is comprehended in this term 'privileges and immunities'? Most clearly it comprehends all the privileges and immunities declared to belong to the citizen by the Constitution itself. Most clearly, also, it seems to me, it comprehends those privileges and immunities which all republican writers of authority agree in declaring fundamental and essential to citizenship."[4] He then quotes from Justice Washington's opinion in the case of Corfield *v.* Coryell[5] a statement that the fundamental rights of citizenship "are protection by the government, the enjoyment of life and

[1] Gassies *v.* Ballou, 6 Peters, 761. [2] Mr. Shellabarger. [3] Mr. Hoar.
[4] Congressional Globe, March 29, 1871, p. 334. [5] 4 Washington, 371.

liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety."

Now, sir, if this is to be the construction of the clause, the conclusion is irresistible that Congress may assert and maintain original jurisdiction over all questions affecting the rights of the person and property of all private citizens within a State, and the State government may legislate upon this subject only by sufferance of Congress. It must be remembered that Justice Washington was interpreting the second section of the fourth article of the Constitution, and that neither he in 1820, nor any other judge before or since, has authorized so broad a construction of the power of Congress as that proposed by the gentlemen to whom I refer.

The next clause of the section under debate declares: "Nor shall any State deprive any person of life, liberty, or property, without due process of law." This is copied from the fifth article of amendments, with this difference: as it stands in the fifth article it operates only as a restraint upon Congress, while here it is a direct restraint upon the governments of the States. The addition is very valuable. It realizes the full force and effect of the clause in Magna Charta from which it was borrowed; and there is now no power in either the State or the nation to deprive any person of those great fundamental rights on which all true freedom rests, the rights of life, liberty, and property, except by due process of law; that is, by an impartial trial according to the laws of the land. This very provision is in the Constitution of every State in the Union; but it was most wise and prudent to place it in the serene firmament of the national Constitution, high above all the storms and tempests that may rage in any State.

Mr. Speaker, I come now to consider the last clause of this first section, which is, as I believe, the chief and most valuable addition made to the Constitution in the section. That clause declares that no State shall "deny to any person within its jurisdiction the equal protection of the laws." This thought was never before in the Constitution, either in form or in substance. It was neither expressed in any words in the instrument, nor could it be inferred from any provision. It is a broad and comprehensive limitation on the power of the State governments, and, without doubt, Congress is empowered to enforce this limitation by any appropriate legislation. Taken

in connection with the other clauses of this section, it restrains the States from making or enforcing laws which are not on their face and in their provisions of equal application to all the citizens of the State. It is not required that the laws of a State shall be perfect. They may be unwise, injudicious, even unjust; but they must be equal in their provisions, like the air of heaven, covering all and resting upon all with equal weight. The laws must not only be equal on their face, but they must be so administered that equal protection under them shall not be denied to any class of citizens, either by the courts or the executive officers of the State. It may be pushing the meaning of the words beyond their natural limits, but I think the provision that the States shall not "deny the equal protection of the laws" implies that they shall afford equal protection.

Now, Mr. Speaker, to review briefly the ground travelled over, the changes wrought in the Constitution by the last three amendments in regard to the individual rights of citizens are these: that no person within the United States shall be made a slave; that no citizen shall be denied the right of suffrage because of his color, or because he was once a slave; that no State, by its legislation or the enforcement thereof, shall abridge the privileges or immunities of citizens of the United States; that no State shall, without due process of law, disturb the life, liberty, or property of any person within its jurisdiction; and, finally, that no State shall deny to any person within its jurisdiction the equal protection of the laws. Thanks to the wisdom and patriotism of the American people, these great and beneficent provisions are now imperishable elements of the Constitution, and will, I trust, remain forever among the irreversible guaranties of liberty. How can these new guaranties be enforced?

In the first place, it is within the power of Congress to provide, by law, that cases arising under the provisions of these amendments may be carried up on appeal from the State tribunals to the courts of the United States, where every law, ordinance, usage, or decree of any State in conflict with these provisions may be declared unconstitutional and void. This great remedy covers nearly all the ground that needs to be covered in time of peace; and this ground has already been covered, to a great extent, by the legislation of Congress. The Civil Rights Act of 1866, as re-enacted by the law of May 31,

1870, opens the courts of the United States to all who were lately slaves, and to all classes of persons who by any State law or custom are denied the equal rights and privileges of white men. By the stringent and sweeping Enforcement Act of May 31, 1870, and by the supplementary act of February 28, 1871, Congress has provided the amplest protection of the ballot-box and of the right of voters to enjoy the suffrage as guaranteed to them in the main text of the Constitution and in the Fifteenth Amendment.

In the second place, it is undoubtedly within the power of Congress to provide by law for the punishment of all persons, official or private, who shall invade these rights, and who by violence, threats, or intimidation shall deprive any citizen of his fullest enjoyment. This is a part of that general power vested in Congress to punish the violators of its laws. Under this head I had supposed that the Enforcement Act made ample provision. I quote the sixth section: —

"*And be it further enacted,* That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, the fine not to exceed $5,000, and the imprisonment not to exceed ten years, and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

The sixteenth and seventeenth sections add still further safeguards for the protection of the people. For the protection of all officers of the United States in the discharge of their duties, and for the enforcement of all the laws of the United States, our statutes make ample provisions. The President is empowered to use all the land and naval forces, if necessary, to execute these laws against all offenders.

But, sir, the President has informed us in his recent message, that in some portions of the republic wrongs and outrages are now being perpetrated, under circumstances which lead him to doubt his power to suppress them by means of existing laws.

That new situation confronts us. I deeply regret that we were not able to explore the length, breadth, and depth of this new danger before we undertook to provide a legislative remedy. The subject is so obscured by passion that it is hardly possible for Congress, with the materials now in its possession, to know the truth of the case, to understand fully the causes of this new trouble, and to provide wisely and intelligently the safest and most certain remedy. But enough is known to demand some action on our part. To state the case in the most moderate terms, it appears that in some of the Southern States there exists a wide-spread secret organization, whose members are bound together by solemn oaths to prevent certain classes of citizens of the United States from enjoying these new rights conferred upon them by the Constitution and laws; that they are putting into execution their design of preventing such citizens from enjoying the free right of the ballot-box and other privileges and immunities of citizens, and from enjoying the equal protection of the laws. Mr. Speaker, I have no doubt of the power of Congress to provide for meeting this new danger, and to do so without trenching upon the great and beneficent powers of local self-government lodged in the States and with the people. To reach this result is the demand of the hour upon the statesmanship of this country. This brings me to the consideration of the pending bill.

The first section provides, in substance, that any person who, under color of any State law, ordinance, or custom, shall deprive any person of any rights, privileges, or immunities secured by the Constitution, shall be liable to an action at law, or other proper proceeding, for redress in the several District or Circuit Courts of the United States. This is a wise and salutary provision, and plainly within the power of Congress.

But the chief complaint is not that the laws of the State are unequal, but that even where the laws are just and equal on their face, yet, by a systematic maladministration of them, or by a neglect or refusal to enforce their provisions, a portion of the people are denied equal protection under them. Whenever such a state of facts is clearly made out, I believe the last clause of the first section empowers Congress to step in and provide for doing justice to those persons who are thus denied equal protection. Now if the second section of the pending bill can be so amended that it shall clearly define this offence,

as I have described it, and shall employ no terms which assert the power of Congress to take jurisdiction of the subject until such denial be clearly made, and shall not in any way assume original jurisdiction of the rights of private persons and of property within the States, — with these conditions clearly expressed in the section, I shall give it my hearty support. These limitations will not impair the efficiency of the section, but will remove the serious objections that are entertained by many gentlemen to the section as it now stands.

I have made these criticisms, not merely for the purpose of securing such an amendment to the section, but because I am unwilling that the interpretation of the constitutional powers of Congress which some gentlemen have given shall stand as the uncontradicted history of this legislation. Amendments have been prepared which will remove the difficulties to which I have alluded; and I trust that my colleague [1] and his committee will themselves accept and offer these amendments. I am sure my colleague will understand that I share all his anxiety for the passage of a proper bill. It is against a dangerous and unwarranted interpretation of the recent amendments to the Constitution that I feel bound to enter my protest.

MR. SHELLABARGER. Mr. Speaker, I know that my colleague is as sincerely convinced in regard to the proposition that he has been contending for as a man ever was. And I want, therefore, to have the benefit of his candid reply to a suggestion which I will now make, and which it may take perhaps a minute or two to state.

I understand that the effect of what he says is, that as the first section of the Fourteenth Amendment to the Constitution is a negation upon the power of the States, and that as the fifth section of that amendment only authorizes Congress to enforce the provisions thereof, therefore Congress has no power by direct legislation to secure the privileges and immunities of citizenship, because the provision in each section is in the form of a mere negation. Now what I want to ask his attention to is this. First, he will recognize that by virtue of citizenship under the old Constitution there was no power in Congress to touch the question of the elective franchise; that was referred by the old Constitution to the clause which said that electors should be those who were electors for the most numerous branch of the State legislature. Now, then, the Fifteenth Amendment was also a mere negation upon the powers of the States and of the United States, saying that no State nor the United States shall take away the right to vote on account of color, race, &c. That also is another negation. The old clause in the Constitution in regard

[1] Mr. Shellabarger.

to elections did not give Congress the power to touch the question as to who should vote, but simply gave them power to regulate the time, place, and manner of casting the vote by those who could vote under State authority. Now, I ask my colleague's attention to this. We have passed here an act which enforces the Fifteenth Amendment, which amendment was a mere negation also upon the power of the States. It is provided in the first section of that act, that all citizens of the United States shall have the right to go into the States from a mere negation, to say who shall vote at township and other elections. Then, under the Fifteenth Amendment, he goes directly to the citizen and punishes the man who deprives any one of the right to vote, which he gets under federal law, and in contravention of the constitutions of one half of the States in the Union, as my learned colleague said the other day. I push him now, and demand that he shall push his logic to its consequences.

If the case stands in all respects exactly as my colleague puts it, he might drive me to the conclusion that some of the provisions of the enforcement act are unconstitutional; but I do not admit either the premises or the conclusions. My colleague very well remembers that many distinguished men in this House and in the Senate claimed that the right of suffrage was in the old Constitution without this Fifteenth Amendment.

MR. SHELLABARGER. And many denied it.

It makes no difference who denied it; the fact is, that it has again and again been elaborately argued upon this floor that the clause in the main text which gives to Congress the power to regulate the time, place, and manner of holding elections, carried with it the whole question of suffrage. I was never able to believe that this clause went so far; but I did believe, and I do now believe, that it goes so far that, with the Fifteenth Amendment superadded, Congress is armed with more than a mere negative power, and had the right to pass the enforcement law of May last.

But I call my colleague's attention to the peculiar language of the Fifteenth Amendment. It is not, as his remarks imply, a mere prohibition to the State, a simple negation of power. It is a double prohibition, reaching, in terms, both the State and the United States. This is the language: —

"ARTICLE XV. SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

This double prohibition Congress may enforce.

Now, Mr. Speaker, I call the attention of the House to the third section of the bill. I am not clear as to the intention of the committee, but, if I understand the language correctly, this section proposes to punish citizens of the United States for violating State laws. If this be the meaning of the provision, then whenever any person violates a State law the United States may assume jurisdiction of his offence. This would virtually abolish the administration of justice under State law. In so far as this section punishes persons who under color of any State law shall deny or refuse to others the equal protection of the laws, I give it my cheerful support; but when we provide by Congressional enactment to punish a mere violation of a State law, we pass the line of constitutional authority.

But, Mr. Speaker, there is one provision in the fourth section which appears to me both unwise and unnecessary. It is proposed, not only to authorize the suspension of the privilege of the writ of *habeas corpus*, but to authorize the declaration of martial law in the disturbed districts.

I do not deny, but I affirm, the right of Congress to authorize the suspension of the privilege of the writ of *habeas corpus* whenever in cases of rebellion or invasion the public safety may require it. Such action has been and may again be necessary to the safety of the republic; but I call the attention of the House to the fact, that never but once in the history of this government has Congress suspended the great privilege of that writ, and then it was not done until two years of war had closed all the ordinary tribunals of justice in the rebellious districts, and the great armies of the Union, extending from Maryland to the Mexican line, were engaged in a death struggle with the armies of the rebellion. It was not until the 3d of March, 1863, that the Congress of the United States found the situation so full of peril as to make it their duty to suspend this greatest privilege enjoyed by Anglo-Saxon people. Are we ready to say that an equal peril confronts us to-day?

My objection to authorizing this suspension implies no distrust of the wisdom or patriotism of the President. I do not believe he would employ this power were we to confer it upon him; and if he did employ it, I do not doubt he would use it with justice and wisdom. But what we do on this occasion will be quoted as a precedent hereafter, when other men with other

purposes may desire to confer this power on another President for purposes that may not aid in securing public liberty and public peace.

Again, this section provides no safeguard for citizens who may be arrested during the suspension of the writ. There is no limit to the time during which men may be held as prisoners. Nothing in the section requires them to be delivered over to the courts. Nothing in it gives them any other protection than the will of the commander who orders their arrest. The law of March 3, 1863, provided that, whenever the privileges of the writ were suspended, all persons arrested other than prisoners of war should be brought before the grand jury of some District or Circuit Court of the United States, and if no indictment should be found against them they must, on the discharge of the grand jury, be immediately discharged from arrest; and the officer who should detain any unindicted person beyond that limit was liable to fine and imprisonment. The law of March 3, 1863, was a temporary act, and expired with the rebellion. It is not contained in Brightly's Digest, and is no longer in force. Should the writ be suspended, I shall ask the House to re-enact the second section of the law of 1863.

But, sir, this fourth section goes a hundred bowshots farther than any similar legislation of Congress in the wildest days of the rebellion. It authorizes the declaration of martial law. We are called upon to provide by law for the suspension of all law! Do gentlemen remember what martial law is? Refer to the digest of opinions of the Judge Advocate General of the United States, and you will find a terse definition, which gleams like the flash of a sword-blade. The Judge Advocate says, "Martial law is the will of the general who commands the army." And Congress is here asked to declare martial law! Why, sir, it is the pride and boast of England that martial law has not existed in that country since the Petition of Right in the thirty-first year of Charles II. Three years ago the Lord Chief Justice of England came down from the high court over which he was presiding, to review the charge of another judge to a grand jury; and he there announced that the power to declare martial law no longer exists in England. In 1867 the same judge, in the case of The Queen *v.* Nelson, uttered the sentiment, that there is no such law in existence as martial law, and no power in the crown to proclaim it.

In a recent treatise entitled "The Nation," a work of great power and research, the author, Mr. Mulford, says: —

"The declaration of martial law, or the suspension of the *habeas corpus*, is the intermission of the ordinary course of law, and of the tribunals to which all appeal may be made. It places the locality included in its operations no longer under the government of law. It interrupts the process of rights, and the procedure of courts, and restricts the independence of civil administration. There is substituted for these the intent of the individual. To this there is in the civil order no formal limitation. In its immediate action, it allows beyond itself no obligation, and acknowledges no responsibility. Its command or its decree is the only law; its movement may be secret, and its decisions are open to the inquiry of no judge and the investigation of no tribunal. There is no positive power which may act, or be called upon to act, to stay its caprice, or to check its arbitrary career, since judgment and execution are in its own command, and the normal action and administration is suspended, and the organized force of the whole is subordinate to it."[1]

The Supreme Court, in *Ex parte* Milligan, examined the doctrine that in time of war the commander of an armed force has power within the lines of the military district to suspend all civil rights, and subject citizens as well as soldiers to the rule of his will. Mr. Justice Davis, who delivered the opinion of the court, said: —

"If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons as he thinks right and proper, without fixed or certain rules.

"The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. Martial law established on such a basis destroys every guaranty of the Constitution, and effectually renders the 'military independent of and superior to the civil power'; the attempt to do which by the king of Great Britain was deemed by our fathers such an offence that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable; and, in the conflict, one or the other must perish. . . . . Martial law cannot arise

[1] The Nation, by E. Mulford, pp. 185, 186.

from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration. . . . . Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war."[1]

Though four of the judges dissented from some of the opinions expressed by the court, the judges were unanimous in the decree that was made. Even the dissenting judges united in a declaration that martial law can be authorized only in time of war, and for the purpose of punishing crimes against the security and safety of the national forces. And no member of the court gave the least support to the proposition that martial law could be declared to punish citizens of the United States, where the courts of the United States were open, and where war, by its flaming presence, has not made the administration of justice difficult or impossible. Chief Justice Chase, who delivered the dissenting opinion, in which all the dissenting judges concurred, said: —

Martial law proper "is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights.

"We think that the power of Congress, in such times and in such localities, to authorize trials for crimes against the security and safety of the national forces, may be derived from its constitutional authority to raise and support armies and to declare war, if not from its constitutional authority to provide for governing the national forces."[2]

I have quoted not only the opinion of the court, but that of the dissenting judges, for the purpose of exhibiting the unanimity of the court on the main questions relating to martial law. I cannot think that this House will, at this time, take such an extreme and unprecedented measure as that here proposed.

Sir, this provision means war, or it means nothing; and I ask this House whether we are now ready to take that step? Shall we

"Cry 'Havock,' and let slip the dogs of war"?

I have taken a humble part in one war, and I hope I shall always be ready to do any duty that the necessities of the coun-

[1] 4 Wallace, 124–127. [2] Ibid., 142.

try may require of me; but I am not willing to talk war or to declare war in advance of the terrible necessity. Are there no measures within our reach which may aid in preventing war? When a savage war lately threatened our Western frontiers, we sent out commissioners of peace in the hope of avoiding war. Have we done all in our power to avoid that which this section contemplates? I hope the committee will bring in a companion measure that looks toward peace, and enable us to send the olive branch with the sword.

I hope this House will grant general amnesty to all except those who held high official trust under the United States, and then, breaking their oaths, went into rebellion. We should enlist both the pride and the selfishness of the people on the side of good order and peace. But I remind gentlemen that we have not even an indication or suggestion from the President that such a remedy as martial law is needed; and yet we are called upon to authorize the suspension, not only of the great writ, but of all laws, and that, too, in advance of any actual necessity for it. I know that the bill states the circumstances under which martial law may be declared; but why should we now alarm the country by this extreme measure?

MR. SHELLABARGER. Because Congress may not be in session when the emergency arises.

When neither the courts nor the President, with the army and navy to aid in enforcing the laws, can keep the peace, the President will be justified in calling Congress together. No stronger reason for convening Congress could arise than the necessity for martial law.

In conclusion, Mr. Speaker, I have only to say that, within the limits of our power, I will aid in doing all things that are necessary to enforce the laws of the United States, to protect and defend every officer of the government in the free and full exercise of all his functions, and to secure to the humblest citizen the fullest enjoyment of all the privileges and immunities granted him by the Constitution, and to demand for him the equal protection of the laws. All this can be done by this bill when amended as I have ventured to suggest.

THE OHIO CAMPAIGN OF 1871.

SPEECH DELIVERED IN MOZART HALL, CINCINNATI, AUGUST 24, 1871.

THE gubernatorial candidates in the Ohio campaign of 1871 were Edward F. Noyes, of Cincinnati, Republican, and George W. McCook, of Steubenville, Democrat. The canvass was one of unusual interest, owing mainly to the Democratic party of Ohio having made the so-called "new departure." The following is the new departure resolution of the State Convention, adopted at Columbus, June 1, 1871, which is discussed below: "That, denouncing the extraordinary means by which they were brought about, we recognize as accomplished facts the three amendments in fact to the Constitution, recently adopted, and regard the same as no longer political issues before the country." This "departure" was made under the leadership of C. L. Vallandigham, who died in consequence of an accident before the campaign fairly opened.

FELLOW-CITIZENS, — The State Central Committee has assigned to me the duty of opening the campaign of 1871 in this city. I am the more happy to meet you because you have a special interest in the campaign this fall, growing out of the fact that a distinguished citizen of your city is made the standard-bearer of one of the great parties. It is fitting that here, at his home, so early in the campaign, his fellow-citizens and neighbors should meet together to consider the work that he is engaged in, to take into account its bearings, and to scrutinize the ideas that are involved in this struggle. It is fitting that the candidate should have been taken this year from the city of Cincinnati.

You are, perhaps without all of you being aware of it, the recipients of an honor this year that you never had before, and will probably never have again. A curious calculation has

been made within the past few weeks, at the Coast Survey Office in Washington, to ascertain the geographical centre of our territory, and also the centre of our population, and with this result. The geographical centre of the United States, not considering Alaska, is not far from this latitude, and about a hundred miles east of the western line of the State of Kansas, or about two hundred miles west of the city of St. Joseph. The centre of gravity upon which the surface of our territory, loaded with its population, would balance, was found to be about forty-five miles northeast of Cincinnati, that is, two or three miles south of the village of Wilmington, in Clinton County. It was there in the month of June, 1870. I shall take it for granted that by the 24th of August, 1871, the centre has worked its way to Mozart Hall; and therefore it seems to me very proper that the candidate for Governor should have been selected from this city, and that so large an audience should have been assembled in this centre of gravity to consider the great topics of the day.

It is one of the misfortunes of our times that the current of public thought drifts so strongly in the direction of national affairs that the condition and interests of the State are almost wholly omitted in our political discussions. In the two party conventions lately held in Columbus, I find only a single brief reference made in either of them to State topics. Twenty resolutions were passed on national affairs, and one sentence only in regard to Ohio. And yet it will not be denied that the State government touches the citizen and his interests twenty times where the national government touches him once. For the peace of our streets and the health of our cities; for the administration of justice in nearly all that relates to the security of persons and property, and the punishment of crime; for the education of our children and the care of unfortunate and dependent citizens; for the assessment and collection of much the larger portion of our direct taxes and for the proper expenditure of the same, — for all this, and much more, we depend upon the honesty and wisdom of our General Assembly, and not upon the Congress at Washington. In these lines especially are the recent developments of social science being made in other countries; yet the doings and sayings of Congress and the national administration form the staple of all our political discussions, to the exclusion of these topics. I hope the

time may come when, in the election of a Governor and other State officers, and of the members of a new legislature, political parties in Ohio will let Presidents and Congressmen alone, and will direct their discussions to the great and manifold interests of our State.

Nowhere can there be found a more triumphant vindication of the wisdom of that system of government which is administered by the people and for the people than in one of the well-regulated States of our Union. Consider, for example, the administration of justice in our townships and counties, where offences against persons and property are tried before judges of the people's own choosing, and before jurors who are neighbors of the parties, and who can administer justice far better than is possible at distant or remote points, where both court and jury are strangers. Consider, also, our plan of managing the finances of Ohio. Last year, under our State laws, taxes were levied to the amount of nearly twenty-four millions of dollars. Less than five millions of the twenty-four found their way to the State treasury at Columbus. Less than four millions, indeed, were used for general State purposes. Nineteen of the twenty-four millions were levied under the direction of township, city, and county officers, and expended at home under the direction of the very men who specially consented that the tax should be levied. Twelve and a half millions were raised and expended in the townships. For the improvement of our laws and the advancement of the State in all that contributes to the security and prosperity of its people, the best efforts of its most thoughtful citizens should be invoked.

I have said that neither of the recent State political conventions has made more than a single reference to State affairs. I rejoice that in that reference they agree upon a new constitution for Ohio. Though no reasons were given and no remarks were made on the subject, yet both conventions have recommended the calling of a convention to revise the constitution of the State. Since then, however, Judge R. P. Ranney, of Cleveland, has challenged the wisdom of this action, and has asked the Republican committee to show cause why a new constitution should be framed. This is a proper call, though the Judge might have addressed the question with equal propriety to the Democratic committee. Not assuming to speak for others, I will give some of the reasons why I am in favor of calling a convention.

The wisdom of that provision of our present constitution which submits the question of calling a new convention to the people each twentieth year, was ably vindicated in 1851 by Judge Ranney, who was a member of the constituent convention from Trumbull County. Following the doctrine of Jefferson, that it is inconsistent with the spirit of American institutions for one generation to bind another without its consent, he insisted that at least once in each generation the fundamental law of Ohio should be recommitted to the judgment of the people, without the previous permission of two thirds of the legislature. He held that, though the legislature might at any time submit to the people proposals for special amendments, or for a general revision, still such proposals would usually come from one political party, and would not, therefore, be likely to receive the fair and unprejudiced judgment of the whole people. He held, furthermore, that it was reasonable to assume that twenty years of growth in population, wealth, and intelligence would develop new wants and new dangers to such an extent that the people themselves ought to take the initiative in revising their fundamental law, and providing new safeguards for the future.

Now there has never been in the history of our State, and possibly may never be again, a period of twenty years filled with such momentous events as the twenty years since Judge Ranney offered these wise suggestions. During that period great and worthy progress has indeed been made in many directions; but many new and grave dangers to public liberty have also arisen, — dangers which were not foreseen in 1851. The tremendous growth of corporations, and the power they are wielding over States and legislative bodies was then almost unknown. The dangers which may threaten us from this source are not adequately provided against in our present constitution. At the present rate of growth and consolidation, it will not be long before the greatest of our States may be less powerful than some of the corporations it has created. The day may come when some single corporation, managed by men outside of Ohio, may be more potent within her boundaries than the General Assembly itself. Do the people of Ohio think it wise to postpone action on this question for twenty years longer? Let it be remembered that, in the almost even balance of political parties in Ohio, our constitution is practically not amendable by the ordinary method.

There is another danger against which the people cannot forefend themselves a day too soon. The last twenty years have witnessed the most alarming progress in the various devices by which bribery and corruption have found their way to the polls and into legislative bodies. Every citizen of Ohio may be justly proud of the fact that hitherto neither the ballot-box, nor the General Assembly, nor the courts of our State, have been tainted with this pollution. But who dare affirm that its westward progress will not reach us before 1891? While there is yet time, let us build the dikes, and prepare to keep out the rising flood. In the new constitution of Illinois, adopted last year, bribery at the polls and in the legislature is rendered almost impossible. No form of constitutional enactment can purify the hearts of villains; but I believe the provisions of that constitution have made it exceedingly unsafe for a man to practise his rascality in the General Assembly of Illinois. It is said that the new provisions drove the lobby from Springfield last winter; let us shut the door before it reaches Columbus.

The State needs greater safeguards on the subject of taxation, and a readjustment of its revenue system. It is estimated that the aggregate taxation of the American people, for national, State, and local purposes, amounts each year to more than one third of the principal of our national debt. This taxation, distributed *per capita*, amounts to nearly twenty dollars to each inhabitant, — a higher rate than any modern nation has ever before maintained in time of peace. The burden of the national taxes has been rapidly and constantly diminishing during the last five years, but the taxes of cities, towns, and counties, under State laws, have been increasing enormously. Comparing our taxes in Ohio in 1863 with those for 1870, and omitting the special war taxes of the former year, I find that the levies for State purposes have increased about forty per cent, — not an exorbitant increase considering the general rise in prices and the condition of the currency. But during that period levies for county and other local purposes have increased nearly two hundred and seventy-five per cent. In seven years our local taxation has risen from six and three quarters millions to eighteen and three quarters millions. Governor Hayes recently called the attention of the General Assembly to this growing evil, which is no doubt the result of that general spirit of prodigality and extravagance which has everywhere prevailed since

the war. The limitation of local debt and taxation is now left to the General Assembly. It should be placed in the fundamental law, above the reach of party influence, where the pressure of local schemes of taxation and expenditure cannot come. No one can read the article of the new constitution of Illinois on revenues and taxation without congratulating the people of that State on their fortunate escape from the evils that now afflict us.

In many particulars the theory of representative government has been improved during the last twenty years. It will not be denied that the suffrage should be so regulated that the vote of every elector, as far as possible, shall have its due weight in the choice of public servants. No citizen should feel that his vote is useless, and every political community should feel the restraining influence of the minority party. But how is it in our State? The twelve counties that compose the Western Reserve send to the General Assembly seven Senators and seventeen Representatives, — nearly one fifth of the whole body. These officers are elected by the votes of fifty thousand Republicans. The twenty thousand Democratic voters on the Reserve have not one man of their choice in either branch of the legislature. In such elections they are virtually disfranchised. On the other hand, there is a belt of thirteen counties, commencing with Wayne County, on the southern line of the Reserve, and extending to and including Adams County, on the Ohio River, which send to the General Assembly six Senators and fifteen Representatives. These are elected by forty thousand Democrats, and the thirty thousand Republican voters in that belt of territory have virtually no voice in the choice of their representatives, and are utterly powerless at the polls. Both the Republicans of this belt and the Democrats of the Reserve should be heard in regard to the government of the townships, counties, and judicial and representative districts where they live, and I have no doubt both parties would be better if such were the case. The inequality and injustice complained of can be, in a great measure, removed by adopting some plan for the representation of minorities. The experiment has been tried successfully, and would doubtless promote the public good in the election of representatives, judges, county commissioners, township trustees, school directors, and all officers who can be elected in groups.

I have suggested these classes of amendments only as examples of many that might be made. They are not partisan in

character, and are addressed to thoughtful men of both parties. The average age of our American State constitutions at the present time is less than seventeen years, and I hope that Ohio will not wait till her constitution is forty years old before she attempts to make it more fully in harmony with the spirit and wants of our time. The work of the convention need not be complicated with the passions and antagonisms of the Presidential election, for the new constitution could hardly be ready for the judgment of the people before the spring of 1873.

And now, fellow-citizens, I am compelled to follow the fashion of the time, and consider the relations of the two great political parties to national affairs.

It is comforting to find that even on one topic of national policy the two parties agree. I know that the literature of party platforms frequently illustrates Talleyrand's definition of language, — "an instrument skilfully contrived to conceal thought"; but something is gained when the two parties put themselves on record as approving a reform in the civil service of the government. After not a little study of the subject, I say, without hesitation, that it would be difficult for any man to exaggerate the evils which now afflict that branch of the public service. The situation is all the more dangerous from the fact that the evil is old, and that no one political party or administration is wholly responsible for it. It is the result of an apostasy from the theory and practice of the fathers, which began with Jackson and has grown with steady and fearful rapidity until the present time. It began by ignoring the fact that offices were created and should be maintained solely for the service of the government, and by regarding them as the legitimate spoils of party triumph. We read with amazement the story of Pontchartrain, Finance Minister of Louis XIV., who created multitudes of useless offices and sold them to the highest bidder, as a measure of revenue. There was grim humor in his remark to the king, "As often as your Majesty has created an office, so often has God made a fool to buy it." But that was nearly two centuries ago, and he made no pretence to defending his policy, except that it put money in the royal treasury. Unconsciously, and by slow degrees, the people of the United States have allowed a policy to harden into custom, which is nearly if not quite as bad. It has come to be regarded as a proper thing to treat the seventy thousand government

offices, great and small, as stock in trade to be used by the leaders of central and local politics to insure success at elections, and to reward active party workers. Offices are not actually sold in the market for money, but they are distributed for what is frequently less valuable, viz. political service.

In the army and navy service is honorable, because it rests chiefly upon merit and the continued ability and faithfulness of the officer. Not so in the lower walks of the civil service. Merit is not the surest road to appointment or preferment; and the most devoted and intelligent faithfulness is no security against abrupt dismissal. It follows that the government is poorly and irregularly served, and the great body of people who serve it, especially in the more subordinate capacities, hold their positions by a tenure most uncertain and under circumstances most unfavorable to their manliness and independence. The system is as debasing to them as it is costly and inefficient to the government. When Andrew Johnson deserted the Republican party, all the thoroughfares of travel were thronged with political pilgrims on their way to Washington, eager to devour the smallest crumb of patronage, and demanding a general dismissal of officials, even down to the humblest doorkeeper and messenger. Many of the numerous changes made by him were forced upon him by the pressure of importunate office-seekers, whom he could not resist. Some of the cabinet officers remonstrated, declaring that the merciless work of decapitation was sweeping away their most trusted and efficient subordinates, and crippling the work of their departments; but the cry for spoils, demanded in the name of party, drowned all other voices, and private injury and the public service were alike forgotten. In his distress at the spectacle witnessed in his own department, Secretary McCulloch once said, "If you give me one half what it costs to run the Treasury Department of the United States, I will do all the work better than it is now done, and make a great fortune out of what I can save."

It is said that some evils are so deeply seated that they must get worse before they can get better. Judged by this rule, the symptoms are favorable; for the evils of our civil service have long been, not merely ripe, but rotten. Last year, Thomas Hughes, an honored and influential member of the British Parliament, and the intimate personal and political friend of the present ministry, declared in a public address before a New

York audience that he had no power to secure the appointment of even the humblest clerk in the civil service of Great Britain. It will be a proud day for our country when leading members of Congress can say the same thing for themselves in regard to our civil service.

I count it among the chief glories of the Republican party that they have begun the work of reform. A noble effort was recently made in this direction by a distinguished citizen of your own city,[1] and its beneficial results will not be forgotten either in the Department of the Interior or by the people. More recently still, Congress has laid the foundation of a general reform, and the President has appointed a committee of earnest and able men to devise some plan for restoring the service to honor and to duty. This is a good beginning; but I warn the people that there can be no worthy success without the determined and active support of public opinion. No single department, not even Congress and the administration combined, can successfully resist the force of depraved custom until public opinion shall make a demand so imperative that even the selfish interests of politicians are enlisted on the right side. It is easy for the Democratic party to favor reform when it costs them no sacrifice; let us hope they will remember their late declaration should they again get into power.

Besides the civil service there appears to be nothing on which the two parties agree, not even the recent treaty with Great Britain, the making of which has honored human nature, and has placed two great and kindred nations in the front rank of civilized diplomacy. Our last war with England, and the negotiations which, after many years, resulted from it, added as a new chapter to international law the American protest against the right of search. But now, the settlement without war of difficulties far graver than those which led to the war of 1812, and the recognition of the American doctrines of the rights and duties of neutral nations in time of war, have added a far more important chapter to the laws of nations. But though this great treaty was hailed with rejoicings by the good people of both nations, we are told that the votes of the Democratic Senators were almost unanimously against it. It is difficult to imagine any other reason for this vote than the fact that the treaty was the work of a Republican administration.

[1] Hon. J. D. Cox, Secretary of the Interior, 1869–70.

While the treaty of Washington has settled the most serious of our foreign troubles growing out of the late war, there unfortunately remain at home results of the conflict even more difficult to adjust. It has been the constant aim of the Republican party to heal the wounds of the war, and bury in the oblivion of generous amnesty the passions it engendered. It has demanded, as the condition of restoration, equal justice to all, and the security of the future to liberty by irreversible guaranties placed in the national Constitution, above the reach of party fickleness and sectional hate. But the rage of defeated Rebels, aided by the sympathy of the Democracy, has brought on a condition of affairs in the South in which life and property are endangered. It will hardly be denied that a formidable attempt has been made to prevent the enforcement of the recent amendments to the Constitution, and to deprive a large class of our citizens of the equal protection of the laws. I shall leave to others who have recently investigated the subject the fuller discussion of the character and object of these outrages. I will only say concerning the recent act of Congress known as the Ku-Klux Law, that, though a severe and stringent measure, and drawn up close to the line which separates the national from the State jurisdiction, yet it has for its sole object the enforcement of the new amendments, and the guaranty to all citizens of the just and equal protection of the laws. Neither the provisions of that act as it finally passed, nor the constitutional amendments which it enforces, were designed to take away from the States their rights of local government, or to disturb the admirable balance of our dual system of national and local governments. The penalties of the act are levelled against those who wilfully attempt to deprive citizens of the rights and privileges guaranteed to them by the Constitution.

In entering upon the discussion of our financial situation, I ask the attention of the audience to a few general reflections.

There is no surer test of the character and spirit of a government than its management of fiscal affairs. All kinds of public mismanagement and rascality are sure to appear, sooner or later, in the form of drafts on the treasury, increasing debts, or increasing taxes. Bankruptcy was the last stage of the disease which killed the old French monarchy. The reckless wars waged with neighboring nations, the profligacy of the king and his court, the extravagance and prodigality that everywhere per-

vaded the government, assumed at last the form of deficits that could not be concealed, of debts that could not be paid, and of taxes that could not be endured. Just on the eve of the great revolution of 1789, Necker abandoned the treasury in despair, assuring the king that the accumulated expenses were an abyss whose depths could no longer be sounded. "In that abyss," says the historian Martin, "the monarchy was finally engulfed."

The French Empire which has just fallen in ruins affords a still stronger illustration of this truth. The man who stole France in 1852 appeared for many years to have sanctified his theft by the success and brilliancy of his reign, and the world was beginning to admit his claims to the title of Second Augustus, who found Paris brick and would leave it marble. But the prestige of the name he bore, the brilliancy of his reign, the devotion of his army, the support of a subsidized nobility and subservient legislature, were all powerless against the startling significance of a few columns of figures, prepared by a thoughtful student of finance, and published three years ago in a modest pamphlet entitled "The Balance Sheet of the Empire." This pamphlet might be called the Empire's death-warrant. It exposed the jugglery by which enormous deficits had been kept out of sight. It disclosed a public debt, increasing in a ratio whose inevitable last term must be bankruptcy and ruin at no distant day. It showed the fact that during the fifteen years of the Empire its army and navy had swallowed more than 10,000,000,000 francs of the public money. It exhibited the immense sums expended in endowments, enrolments, and gifts to officials, and to powerful politicians, as a means of converting them to Napoleonism. It stated the cost of extravagant public works undertaken for the sake of increasing artificially the wages of workmen, and making them look upon the Emperor as their special Providence. It named the sums annually expended on public galleries and theatres to amuse the people and make them forget their lost liberties. It pointed to the fact that but 23,000,000 francs a year — less than twelve cents a head — had been expended in educating the children of France, and that in her cities hardly half the population could write their names. And finally, in a masterly analysis of the imperial system of taxation, it showed that twenty-five per cent of the annual net earnings of the French people were taken from them as taxes. All this time, while life in France appeared a con-

tinued and glorious holiday, the foundations of the national strength were being honeycombed through and through by the fatal mismanagement of the finances. The explosive material was all in place, and the train laid, long before the Germans crossed the Rhine. France was defeated before the first gun was fired. Gravelotte and Sedan were but the noise and smoke of an explosion which eighteen years of financial mismanagement had prepared.

The principle I have stated is strikingly illustrated by the present municipal government of New York City. For many years it had been believed that the city was in the grasp of political robbers, though proofs were not so easily found. But it needed only the exhibition of a single financial fact to put the Tammany triumvirate in the pillory of public judgment, where they are now being pelted with showers of figures, against which they seem to have no defence. The fact to which I refer is, that within the last eight months the debt of the city has increased more than $50,000,000, while the necessary expenses have not been very extraordinary. By what other process could political villany be so thoroughly unveiled as by the publication of the enormous expenses now being exhibited in the daily journals of New York? These Democratic rulers of that city are powerless before the published evidences that they have paid $7,000,000 for a court-house worth only $2,000,000; that they have paid two millions of the seven for repairs, though the building was new less than four years ago; that they have paid for one hundred and two acres of plastering for its walls; that they have bought for its floors twenty-five square acres of carpets, at five dollars a yard, and for three public buildings seventeen miles of chairs, at five dollars a piece. The voice of the press and the people is thundering in their ears the demand for the accounts, the exhibits, — the bills. But the Sachems do not answer. Meanwhile the city is disgraced abroad, and its stocks are stricken from the list of public securities bought and sold in one of the leading markets of Europe. What else but the terrible arithmetic of finance could have so shaken the throne whereon Tammany sits, gorged with public plunder? After the recent exposure, who can doubt that all this robbery is the vital part of that well-disciplined organization which has so long ruled and debased our great metropolis, and has at last seized and debauched the political power of our greatest State? In

a letter which I received a few days since from a prominent and worthy citizen of New York, occurs this passage: "From my own knowledge of the crimes of the Tammany Ring, and from what I know on unimpeachable authority, I estimate the sum they have stolen from this city at not less than $100,000,000." I rejoice that the Democracy of Ohio have not gone down into the depths where their New York brethren are wallowing; but they ought to be reminded every day in the year that the Tammany league is their political master, and under its leadership alone is the election of a Democratic President possible. Let it not be forgotten that the day which witnesses the triumph of the Democracy in this nation will witness also the legions of Tammany entering the national capital to re-enact there the scenes that have made New York our political Sodom.

From this horrible picture of Democratic misrule, I turn with pride and satisfaction to consider the administration of our national finances. The Republican party comes forward with its exhibits and vouchers in full detail. It offers the national balance sheet for inspection and scrutiny. It challenges the most rigid application of this most searching test. And, first, let us apply the most palpable of all tests, — the expenditures of the government. Have they been wisely incurred? Are they honestly paid? And, above all, are they increasing or diminishing?

Since the heaviest of the war bills were paid, a constant and heavy reduction of expenditures has been taking place. The total amount of this reduction is more than $85,000,000 since June 30, 1868. That is, we now annually expend $85,000,000 less than we did three years ago. An analysis of our present expenditures will show which are the heavy items, and will exhibit the limits beyond which the work of reduction cannot go at present. The total amount of expenditure is now $292,000,000. Much the larger part of this sum is paid for obligations created by the war. These extraordinary items for the fiscal year just closed, stated in round numbers, stand thus: —

Interest on the public debt	$125,500,000
Expenses of national loan	9,000,000
Pensions	34,000,000
Balance of expenses of late war	10,500,000
Expenses of internal revenue department . .	7,000,000
Total	$186,000,000

No part of these expenses can be avoided without dishonor or wanton neglect. This amount, taken from the total expenditure, leaves for the ordinary expenses of the year about $106,000,000. It must be remembered that this sum includes the total expenses of our present army and navy, which, though reduced to the smallest force consistent with the necessities of the country, are nevertheless larger in consequence of the disturbances resulting from the war. When we remember that our expenses are now reckoned in a depreciated currency, not in gold and silver, and that they are made for thirty-one millions of people, it will be seen that the government expenditure has been restored to a peace basis, and that it is much more economical than at any previous period since the war. This exhibit is a conclusive and unanswerable proof that a spirit wholly unlike that of Tammany Hall pervades the administration of national affairs.

The revenue collected under our tax laws affords another gratifying evidence of the thorough and honest enforcement of the laws. During the fiscal year ending June 30, 1866, our total revenues, exclusive of loans, exceeded $558,000,000. Since that time taxes have been abolished which, at the time of their repeal, were producing an aggregate of $251,000,000. Yet, because of the growth of our wealth, and of the faithful collection of our taxes, the total receipts of the year ending June 30, 1871, were $383,000,000, leaving a surplus of receipts over expenditures of $91,000,000. While I do not applaud the policy which has preferred a great reduction of the debt rather than a greater reduction of taxation, yet it is a just ground of pride that the burden has been so greatly lessened. From the 1st of March, 1869, (three days before the inauguration of President Grant,) to the first day of the present month, there has been paid of the principal of the public debt, $242,134,402.03. This payment and the operations of refunding have reduced the annual charge of interest by the amount of $14,750,000.

The result of our financial administration has been a steady improvement of our credit at home and abroad. With the exception of the legal-tender notes, which are still dishonored by nonpayment, there is scarcely a pecuniary obligation of the government which is not worth in gold the full amount promised on its face. This state of credit has made it possible to refund a considerable part of our maturing six per cent debt

into new bonds at five per cent. Over $60,000,000 has thus been converted within a few months, and the Secretary of the Treasury has just completed negotiations for the remainder of the $200,000,000 offered. In this way the preservation of good faith comes back to the government in the form of money saved, of expenses reduced, and affords another proof that honesty is more profitable than any form of open or covert rascality.

For the same reasons, also, it has been possible greatly to reduce the burdens of taxation. Since July, 1865, seven different acts have been passed, by which taxes were abolished that produced at the time of their repeal a total of $251,000,000 per annum. This reduction has been vitally important to the business of the country. For the last two years, and especially during the last six months, there has been a constant tendency to lower prices. We are slowly descending to the level of normal prices, to the smaller though sure gains of regular industry. The consequent shrinkage of values bears hard upon all enterprises, and especially upon debtors, and makes the burden of taxes felt more heavily now than when the rate was higher. For this reason, the demand that taxation be reduced to the lowest amount consistent with the national faith is still imperative. Some reduction of the public debt should be made every year; but $100,000,000 a year is much too large a sum to raise for that purpose in the present condition of the country. As rapidly as possible we should muster out our remaining war taxes, and place our revenue system on a peace basis. It is clearly possible to reduce the burdens of taxation during the coming winter by at least $60,000,000, and still have a surplus of $40,000,000 to apply to paying the principal of the public debt. Nor have I a doubt that the Republicans in Congress will make that amount of reduction. How and on what?

First, the internal taxes can be further reduced. That branch of our revenue system produced $309,000,000 in 1866, and was, without doubt, the heaviest and most oppressive internal tax known in modern times. The last reduction, made by the act of July, 1870, has left an internal tax on only six classes of things from which revenue was produced during the year ending June 30, 1871.

The revenue produced is as follows: —

1. Spirits and fermented liquors	$53,500,000
2. Tobacco	33,500,000
3. Banks and bankers	3,750,000
4. Illuminating gas	2,500,000
5. Stamps	15,500,000
6. Incomes	19,250,000
Add taxes received during the year from old rates, now repealed	15,500,000
Total	$143,500,000

Some attempt is being made to sweep away what remains of our internal revenue system; but I believe there is no tax which the people more fully approve than that which levies $87,000,000 a year upon the consumers of liquors and tobacco. It is a voluntary tax, from which every citizen can escape by abstinence. Its imposition does not seriously cripple any industry, and it probably has less tendency than any other to increase the cost of the necessaries of life.

The retention of the income tax at the late session, in its present shape, was, in my judgment, a blunder. If any part of it had been retained, it should have been the tax on incomes arising from the investment of capital, where the owner does not add to his capital his own labor. The tax in its present shape is fatally crippled as a revenue measure, and should be abolished. In many of the rural districts the receipts do not pay the cost of collection, and the law still retains its obnoxious features, compelling citizens to expose their business, and making it possible for dishonest men to escape assessment. All nations that have levied a tax on incomes have regarded it as a powerful instrument, to be used only in great emergencies, — a war measure, which, like a drafted army, should be mustered out in time of peace. So annoying is an income tax regarded in France, so irritating in its interference with the privacy of business, that the venerable Thiers, chief Executive of France, announced in the National Assembly a few days since that, deplorable as was the financial condition of his country, it was not so desperate as to warrant the imposition of an income tax.

The small tax on illuminating gas can also be spared, and the remaining taxes, those on liquors, tobacco, banks, and the stamp tax, can be collected by a greatly reduced organization. Thus modified, our internal revenue system will produce about

$120,000,000 a year, and its retention will doubtless receive the cordial sanction of the people. But after even this reduction and modification of the internal revenue has been made, there can still be a further repeal of taxes to the amount of thirty-five or forty millions of dollars. And this brings me to the consideration of our revenues from customs.

In the first place, this should be treated, not as a theoretical, but as an intensely practical question. The theorists of both schools may be benefited by remembering the criticism of a recent writer, who says that "the protectionist, in his zeal for the prosperity of the producer, is constantly in danger of forgetting the interests and rights of the consumer; and that the free-trader, in his anxiety to lighten the burdens of the consumer, is in equal danger of forgetting the interests of the producer." I believe there lies between the two extreme positions held by the *doctrinaires* a line of policy safer for the Treasury, and wiser for the country, than either would mark out. Let us begin with facts.

The government must raise an annual gold revenue of about $150,000,000 for the interest of the public debt, for the sinking fund, and for the consular and diplomatic expenses. This is the central fact in all our tariff legislation. The further fact, that the government is receiving from customs duties a large surplus above that sum, proves that a reduction of customs taxation can be made with safety to the Treasury.

But there are special reasons why the tariff laws should be revised. They were enacted during the war, under the pressure of an unusual financial necessity, in a time of very high prices and a heavy premium on gold. From March, 1861, to March, 1867, Congress passed no less than thirteen tariff acts, each having special reference to the situation of affairs at the time. Now we have passed from war to peace, and the conditions are greatly changed. The other branch of our system of taxation has been six times revised, and taxes reduced, since the war. In the mean time, the tariff has been almost untouched, and is now far less equitable in its provisions than it was five years ago. Last year, for the first time since the war, a general revision of the tariff was attempted; but the bill broke down under the load of debate before half its pages had been considered. Near the close of the session, however, a bill passed the House without debate, under the previous question, which became a law,

and which further reduced internal taxes by the amount of $55,000,000, and tariff taxes by the amount of $23,000,000. This act brought great relief to the country, but was partial and incomplete in its provisions. Only a small part of the tariff laws were revised, and some of the reductions which were made left their provisions more unequal than before. There is another consideration outside the merits of the case, which no political party can ignore. It is that public opinion demands a revision. It will be made either by the friends or by the enemies of the tariff system. Its friends should control the work.

This is not the occasion to discuss details, but some general indications of the course that should be pursued can be given. And I mention, first, that some promises made by Congress during the war ought to be redeemed, or a good excuse should be given for not redeeming them. For example, among the enormous burdens imposed by the war was an internal tax of six per cent on the value of all articles manufactured by our people. In the year 1866, this tax alone, exclusive of the tax on spirits and tobacco, produced $130,000,000. That vast sum of money was paid into the treasury by our manufacturers out of their net earnings. At the time this tax was imposed, the manufacturers called the attention of Congress to the fact that it unbalanced the adjustment of tariff rates, and neutralized, by its whole amount, the protection they had before enjoyed. Accordingly, an additional duty was imposed on imported articles which competed with home manufactures; and Mr. Morrill, of Vermont, and other leading members of Congress, declared at the time that this additional duty was only temporary, and intended solely as a compensation for the six per cent internal tax. Now this internal tax has been wholly removed, but the compensating tariff rates remain untouched, except in a few instances where they were modified by the act of July, 1870.

Again, there are some rates so excessive, and in the changed condition of affairs so indefensible, that their retention operates to the prejudice of the whole system. Take salt as an example. Before the war, it was almost duty free, the rate being a cent and a half a bushel. During the war, to meet the necessities of the government, and to aid the manufacturers of salt, the rate was increased from time to time to eighteen and twenty-four cents on a hundred pounds, where it now stands. In consequence of the fall in prices, and the changed conditions of trade, that

rate amounts to more than one hundred per cent in gold. The three cities of St. Louis, Chicago, and Cincinnati bought and distributed more than 300,000,000 pounds of salt during the last year, equal to nearly half of the whole quantity imported. In this case it cannot be denied that the duty has largely increased the price of the salt consumed by our people. This increase ought to be borne with patience if the good people of the country and the wants of the Treasury required it. But so far were the salt manufacturers from needing this high rate as protection, that, as long ago as December, 1869, the Onondaga Company, of New York, were offering their salt in Toronto for $1.35 per barrel, while at the same time not a barrel could be bought anywhere south of the Lakes for less than $2.45 in currency, or $1.94 in gold. The special champions of this interest succeeded in preventing any reduction of the rate in the act of July, 1870. They ought to have foreseen the reaction which followed. When, on the 18th of March last, the question came to a direct vote, and the only choice lay between leaving the duty as it was and repealing it altogether, the House of Representatives voted for the repeal by 147 yeas to 47 nays. But the Senate did not act, and the high rate continues. Neither the principles of protection nor of common justice will tolerate a rate of duty which, after the cost of transportation has been paid, puts American salt into the free-trade markets of Canada at a lower price than our people can buy it.

The recent history of the duty on coal affords another equally forcible illustration of the folly of retaining the tax on an article when it confers so small a benefit and offends so large a number of people.

Again, there are duties which are positively injurious to home industry. Take the hat manufacture, for example. Nearly all the material of which hats are made must be obtained from abroad, but they bear a much higher rate of duty than is levied on the imported hat itself. This of course injures the manufacturer and increases the cost of the consumer, and puts but little money into the Treasury.

If I were seeking to destroy the whole system of protection, I could devise no means more certain to accomplish my purpose than to retain unchanged such taxes as these. I earnestly warn you, fellow-citizens, that we are in imminent danger of repeating again the old folly of dividing our people into

two hostile camps; — one determined to resist any revision of the tariff, whether for the sake of reducing the amount of taxation, for the more equitable distribution of burdens, or for the removal of unjust and anomalous provisions; and the other, striking indiscriminately at the whole tariff system, without regard to the great industries which have been built up under its influence. Within the last half-century the industry and business of this country have again and again been tossed back and forth between these opposing factions, and each in turn has brought on a reaction. In the light of our past history it will be a crime if we now repeat the folly. Business needs stability, and extremes are always unstable.

The partial revision of 1870, which took effect on the 1st of January last, has borne good fruits. One hundred and fifty articles were placed on the free list, and the rates of some others were reduced. Yet the Treasury received from the tariff $11,000,000 more during the fiscal year ending June 30, 1871, then in the previous year. The reasons which justified that act require still more strongly the continuance of the work. I believe this revision can be made, and should be made, not only without injury to American industry, but to its benefit. I use the word industry in its broad and proper meaning. It is labor in any form that gives value to the elements of nature, either by extracting them from the earth, the air, or the sea, or by modifying their forms, transporting them to market, or in any way making them better fitted for the use of man.

In the work of tariff revision it is eminently safe to trust the Republican party, and eminently dangerous to trust their opponents. The Democracy seem to hate the present tariff system, because Republicans made it. They denounce it as robbery, and yet their representatives voted almost unanimously against the act which reduced the customs tax $23,000,000. In the hands of its friends, the system will not be destroyed, but will be amended, and made to conform to the wants of the time and to the most enlightened financial policy. It is true, there are wide differences among Republicans themselves on the theoretical and practical aspects of this subject; but I cannot doubt that, with wise forbearance toward each other, and an earnest regard for the public good, the study of this subject will lead to an adjustment, not violent and revolutionary, but just and conservative, in the better meaning of that word.

Though I had read the currency and debt resolutions of the late Democratic Convention, I looked upon them as a sort of *post mortem* eulogy of an exploded doctrine, and designed merely as a compliment to Mr. Pendleton, the distinguished chairman of the Convention. I was therefore surprised to find that General Ewing, in his recent speech at Columbus, has treated the resolutions seriously, as living articles of Democratic faith. General Ewing, for himself and his party in Ohio, still insists on paying the five-twenty bonds in greenbacks. Body-snatching was never regarded as a specially cheerful business, and to exhume and reclothe the dead body of this rascality requires exhaustless resources of cheerfulness, nerve, and stomach. While I admire the courage and ability of the General, I cannot allow some of his statements to go uncontradicted.

He says that the Republicans generally favored the payment of these bonds in greenbacks until General Grant was inaugurated President, and then turned round and insisted that they should be paid in gold. It is true that, when this question was first raised, there was some difference of opinion among the Republicans in regard to the letter of the law, and some were disposed to take advantage of a possible interpretation that would make the outstanding greenbacks receivable for bonds, dollar for dollar; but the National Republican Convention of 1868 brushed aside all subtile casuistry, and resolved to preserve inviolate the public faith by keeping both the letter and the spirit of the law. I will not restate the argument, but I will call the attention of our Democratic friends to a single fact.

In the House of Representatives, July 23, 1868, in reply to the late Mr. Stevens, of Pennsylvania, I reviewed at length the proceedings of Congress in regard to the passage of the act of February 25, 1865, which authorized the five-twenty loan, quoting the remarks made by different members of Congress at the time of its passage in regard to the mode of payment of the loan. After giving date and page for all the citations, I summed up the result as follows: "I have carefully gone over all the proceedings, as recorded in the Globe and in the Journal of the House, and I have not found an intimation made, directly or indirectly, by any member, that it was ever dreamed the principal of these bonds could be paid in anything but gold. On the contrary, all who did refer to the subject spoke

in the most positive terms, that, as a matter of course, they were payable in gold."[1] All parties were challenged to deny or disprove the correctness of these citations, which were published broadcast as a campaign document pending the Presidential election. Up to this time no attempt has been made, either to deny the correctness of the statement I have just quoted, or to dispute the further facts that the executive officers of the government at the time the bonds were negotiated took the same view as that taken by Congress, and that both parties to the contract understood its terms to stipulate payment in coin. The national conscience approved the position of the Republican party in 1868, and the subsequent enhancement of the public credit proved again the old truth, that, in the long run, honesty is cheaper than the most skilfully disguised rascality.

But the most remarkable feature of Democratic finance is that clause of the platform which General Ewing calls the "financial new departure," and which he seems to regard as a discovery of great value. Justice to its author should have led the Convention to inform their followers that this plan is borrowed (though bungled in the borrowing) from that ingenious financier, Mr. B. F. Butler, who proclaimed it in a speech in Congress, several months ago, as a device to save the nation from what he called "the barbarism of gold and silver" as a circulating medium. The new plan proposes, first, to issue greenbacks and cancel five-twenty bonds, and then to issue a three per cent bond, which people may take in exchange for their greenbacks. These two classes of paper are to be geared together by a kind of double back-action arrangement, which will allow a man to change his investment from one to the other at his pleasure. The plan has been strongly approved by the brokers of New York City, who will be glad to have the government pay interest on their capital when they cannot themselves employ it in speculation. This new financial device has two important aspects: first, its relation to the public debt and the Treasury; and, second, to the currency and the industry and commercial interests of the people.

So far as it relates to the government and its creditors, it is a simple proposition to repudiate half the interest of the public debt altogether, and to pay the other half in currency greatly

[1] See Speech on "Mr. Stevens and the Five-Twenty Bonds," *ante*, p. 356.

more depreciated than any we now have. I venture to suggest to these gentlemen that the cost of printing and engraving the new bonds, and the expense and trouble of exchanging them for the old, can be avoided by the passage of a simple act to the following effect: "*Be it enacted, etc.*, That the Treasurer of the United States shall hereafter pay but three per cent per annum in currency, as interest on the outstanding obligations of the United States, known as five-twenty-bonds, in lieu of the six per cent in gold now required by law; said bonds to be exchanged at par for greenbacks. This act shall take effect from and after its passage, every law, obligation, or contract of the United States to the contrary notwithstanding." This would certainly accomplish the object proposed, and it is as easily understood as any other form of robbery.

The effect of this scheme on the currency would be as disastrous to the business of the country as its dishonesty would be to the honor and credit of the nation. General Ewing thinks that, to effect the conversion of the bonds and to meet the wants of trade, a thousand millions of greenbacks will be sufficient at first; but his generous and philanthropic nature is not to be limited by that small measure of blessing, and so, to meet the remnant of interest not exploited away by the billion issue, he will emit an additional twenty-five millions each year, and thus make the printing-press pay our interest. This plan calls to mind the mad days of Continental money, when a member of the old Continental Congress exclaimed, "Do you think, gentlemen, that I will consent to load my constituents with taxes, when we can send to our printer and get a wagon-load of money, one quire of which will pay for the whole?" General Ewing has quite eclipsed the wisdom of that member of an early New England legislature, who proposed to abolish all taxes and pay the expenses of the State out of the treasury!

But the General's philanthropy does not stop with printing the interest of the debt out of existence. He says: "But we are told the legal tenders will be a debt outstanding when all the bonds are paid. They will be no debt in any proper sense of the word;" for, he continues, "the government will keep them in circulation with an annual increase sufficient to furnish the people with money and keep down interest, and thus the curse of the debt will turn to a blessing." It requires more than ordinary courage to run such a tilt, not only against all the set-

tled maxims of political economy, but also against the multiplication table itself.

The General assumes that to increase the volume of currency will reduce the rate of interest. Both history and economical science are against him. In every country which is cursed with depreciated paper money, the rate of interest is higher than in specie-paying countries. The rate does not rise as the immediate consequence of an increased volume of currency, but because of the greater risk to which the lender is exposed on account of the disturbance and uncertainty of value caused by the increase. Almost in the exact ratio of our return towards specie values, we have seen the rate of interest coming down, and we now see the government refunding its debt at five per cent. Because confidence is returning to business, prices are coming down toward their old level. General Ewing wholly ignores the distinction between capital and money. He seems to think that, should the Treasury print a ton of greenbacks, the people will have that much additional capital to lend. But the people can only get this ton of paper by buying it and paying for it, and the purchase will neither increase their capital nor their power to lend. No principle is better settled than this, that the rate of interest depends, not upon the amount of currency in circulation, but upon the security or insecurity of investments, the demand for loans, and the supply of surplus capital which the owners are willing to lend.

General Ewing also complains that the country has not currency enough for its business. I answer him by the fact, that of the $54,000,000 of national bank currency offered to the people by the act of July, 1870, less than $20,000,000 has been called for. That fact has staggered and silenced all the inflationists except General Ewing; and I do not know of one petition being sent to Congress for an increase of the currency during the last session.[1]

It is a delusion and a snare to suppose that inflation will benefit the business of the country. Since the inauguration of General Grant the purchasing power of the currency has increased twenty-one per cent, in consequence of its enhanced value. The $700,000,000 of outstanding currency held by the people is now worth $100,000,000 more in gold than it was in March, 1869. We have been slowly making our way back to

[1] See introductory note to "Currency and the Banks," June 7, 1870, *ante*, p. 543.

solid values and to the steady industries of peace. The Democracy of Ohio propose to push us out again upon the sea of paper money, on whose waves we must toss more wildly than ever. Our money is no longer to be the money of the world. Though our trade of a billion a year with foreign nations must be in gold and silver, yet among ourselves we are to have a debased and irredeemable paper currency, whose volume and value are to depend upon the folly and caprices of political parties, and upon the accident of a vote in Congress. We are invited to re-enact the folly of assignats and Continental money. And this is the policy of a party that preaches loudly against the dangers of centralization! When the government turns banker, and when the value of every product is made to depend upon a few men at Washington, we shall indeed have a most dangerous centralization of power. This is the policy of the party that still boasts of Jefferson as their father,—Jefferson, who said, in the ripeness of his wisdom, "That paper money has some advantages is admitted; but that its abuses are inevitable, and, by breaking up the measure of value, make a lottery of all private property, cannot be denied."

Lord Kames tells us there is a sixth sense in man, which he proposed to call the sense of completeness. It must have been the exercise of this sixth sense that led the Democratic Convention to conclude the financial new departure resolution with a declaration that the true way to resume specie payments is to make customs duties payable in currency. And this after they had in the previous paragraph resolved in favor of a currency which is never to be redeemed! It has never been my fortune to see another twenty lines of printed paper which contained so great an amount of stupid absurdity, combined with so much shameless and infamous rascality, as is found in the twelfth resolution of the Democratic platform.

Concerning the internal troubles of the Ohio Democracy growing out of the count of their tellers at the late Convention, I have nothing to say. That affair is of the nature of a family secret, which Colonel Connell and other Democratic leaders have a better right to discuss than I have. The Republican party cheerfully accept Colonel George W. McCook as a Democratic nominee, and cordially welcome him to the field of debate. There is, however, another branch of their family troubles which is of sufficient public interest to be made a topic

of debate in this campaign. I allude, of course, to the new departure on the subject of the late constitutional amendments. General Ewing thinks the Republicans are alarmed at this "new departure." I assure him he is quite mistaken. On the contrary, they heartily rejoice to know that at last a part of the Democracy renounce their false but oft-repeated assertion, that these "constitutional amendments are fraudulent, revolutionary, and void." If the confession is sincere, so much the better, for it helps to secure the fruits of the war and make permanent the policy for which Republicans have so long labored. I wish the confession had been more general and more sincere. I cannot forget that one hundred and twenty-nine members of the Convention not only refused to confess, but vehemently denounced the confession as false to the party and false to history. Though the Democracy of several Northern States have taken the new departure, yet Kentucky repudiates it, and the Democratic leaders of the whole South scorn it. Jefferson Davis says he has nothing to retract, nothing to admit, no terms to make, and that the ideas of the Rebellion will yet triumph. He exhorts the South to hold on in their hate and rage until divisions among Northern politicians make it possible for the lost cause to triumph. Robert Toombs denounces this new departure in his old style of fierceness, and says the South will be ready to fight again sooner than the people imagine, and that he expects to live long enough to see them conquer their independence. There is a kind of heroism in that devotion, even to a bad cause, which leads men to stand by their own conduct, and voluntarily perish with their associates in crime. It reminds us of those old Romans, who, having rebelled against their country and failed in their rebellion, fell on their own swords. But I quite agree with Colonel Connell, that self-martyrdom in the hope of exciting popular sympathy is contemptible. We admire the spirit of the Roman Scævola, who, in contempt of the torture and death that threatened him, held his own hand in the fire until it was burned off; but we despise a political party that puts itself into purgatorial fires for the sake of exciting pity for its suffering, and to secure the plasters of office to heal its blisters. For the sake of the country and the truth, I rejoice that so large a number of Democrats have professed repentance on this subject. As a means of regaining power, it has been done too grudgingly, and it has come

too late. Borrowing a phrase from the vigorous language of Colonel Connell, it has put the party "on the cutty-stool," but will not place them in the chair of state. Macaulay says of Charles II.: "He was crowned in his youth with the Covenant in his hand; he died at last with the Host sticking in his throat. His whole life had been a falsehood, and his death-bed confession neither injured the Protestants nor helped the Catholics, but was a scandal to religion." I will not say that the Democracy is dying, but their confession was very sudden, and it is manifest that the doctrine of the new departure "sticks in their throats." Vallandigham was right when, in the last political speech of his life, he told his party that in their recent history they had repeated the story of the valley of dry bones. Looking out over the whole party, recounting its failures and defeats and deadness, he exclaimed, "Can these bones live?" He expressed the hope that the new departure would reanimate the dry bones and make them rise up again a mighty host; but it has made only a ghostly rattling among the skeletons, — merely this and nothing more.

And now, fellow-citizens, the two parties, with their records, professions, and certificates of character, are before you. During the last ten years the Democratic party has appeared in almost every conceivable guise and disguise. In Ohio it has tried every style of candidate, from Secessionist to soldier. As a national party it has attempted to modify its doctrines to suit customs and localities, and in attempting to make itself all things to all men, it has justly lost the confidence of the people. Each year their old doctrine of Secession and their anti-national spirit have pervaded and vitiated their whole organization, as bilgewater in the hold of a ship taints the cargo and infects the crew. For them, as for the ship, the public safety demands disinfectants and a long quarantine. Every year has witnessed the utter explosion of some favorite dogma of that party. Read over the dreary catalogue of their doctrines and declarations for the last ten years, and you will find that at least three out of every four are utterly dead. Recall a few out of the many examples that might be given. The States so sovereign that, even should they make war on the Union, the nation has no right to coerce them into obedience. Dead! The war for the Union a failure. Dead! The laws that called soldiers into the field unconstitutional. Dead! Slavery a beneficent, divine institution,

which the nation cannot touch in war, and ought not to abolish by constitutional enactment. Dead! The negro race shall never wear the uniform of a soldier, enjoy the protection of the laws, nor hold the ballot of a citizen. Dead everywhere, except in the councils of the Ku-Klux! The unconstitutionality of the law that made greenbacks a legal tender, and the prediction that they will soon be more worthless than the paper on which they are printed. Dead! The Fourteenth and Fifteenth Amendments fraudulent, revolutionary, and void. Dead! the Ohio Democracy are this fall attending its funeral. These and many more of their fundamental doctrines are as dead as the constitution and laws of the late Confederate States. The simple fact is, that no mere change of costume, attitude, profession, or leadership will remove the ingrained viciousness of the Democratic organization. It has outlived its epoch and its usefulness. As an iceberg holds fast, frozen in its heart, the *débris* of the cliff from which it was broken off, so the Democratic party holds in its organization the broken remnants of slavery and rebellion, and all the passions that they engendered. Perhaps I may add that, as the iceberg, drifting away under warmer skies, melts into mists and waves, dropping its unsightly sediment into the depths of the sea, so only may the Democratic party, by dissolution, mingle its better elements with the general mass of the people, and sink its evil out of sight.

To all these characteristics the Republican party presents the most striking contrast. It differs from the Democratic party in its origin, in the objects it pursues, in the spirit which animates it, and even in the character of its faults. It originated in those sentiments most honorable to human nature,—the love of justice, and the conviction that the nation must cease to be an oppressor or perish. It won its first victory in an appeal to the conscience of the nation. It earned the gratitude of mankind by saving the nation's life, by preserving and strengthening the bond of union, and by securing to all men equality before the law. Its life has been so identified with the public safety and the public faith, that its success at the polls has always been hailed, in war, as a victory over the enemy; in peace, as a triumph for our credit abroad and our property at home. Its past achievements need not be rehearsed. They have taken their places securely and forever among the immortal glories of the republic. Time will not dim, but rather brighten their lustre.

Most of the doctrines of the Republican party have become the fixed and irrevocable policy of the nation. Success has added to its ranks some bad elements, — some men without convictions, who always drift to the winning side, as loose freight rolls with the lurch of the ship. Sometimes the party, in its pride of strength, has been wrong-headed, and has made mistakes. In some quarters corruption has crept into its ranks. But for all its sins, the severest criticisms usually come from its own members. The greatest peril that threatens it is the danger that it may be satisfied to rest upon its laurels, and forget that the conditions of national life are forever changing, its wants ever new, and that no party can live worthily which does not continue to represent the noblest aspirations and the most enlightened thoughts of its time. Let it not fall into the error of relying for its success upon the greater sins and follies of its antagonists. Let the time never come when the highest eulogy that can be pronounced on the Republican party will be that it is not so bad as the Democratic party.

Thus stand the two parties to-day. I see no sufficient reason why the popular verdict should be reversed in regard to either of them. Eleven years ago the people pronounced the sentence that expelled the Democracy from power; ten times the Democracy have been summoned to the public bar to show cause why that sentence should be revoked; ten times they have been heard by a patient and generous people, and ten times they have been remanded again to exile, with an impressive exhortation to repentance and good works. With unhesitating confidence the Republican party calls again for the verdict.

THE FOURTEENTH AMENDMENT AND REPRESENTATION.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES, DECEMBER 12, 1871.

THE bearing of the Fourteenth Amendment upon the apportionment of Representatives in Congress was considered by Mr. Garfield in his speech upon the Ninth Census, delivered December 16, 1869. The Fifteenth Amendment, which was declared in a proclamation of the Secretary of State, dated March 30, 1870, to have been duly ratified, rendered inoperative the Fourteenth, in so far as that related to the denial or abridgment of the right of suffrage on account of race, color, or previous condition of servitude. Still that Amendment reached a large number of cases that were not taken into the account when the Fourteenth Amendment was enacted. In some remarks upon the Apportionment Bill, made December 6, 1871, Mr. Garfield declared that this Amendment had radically changed the basis of representation. He stated once more the classes who were denied the suffrage in the various States, and said Congress would have to wait, before passing an apportionment bill, until the Census Office could furnish all the statistics bearing upon the subject. On the 12th of December he made the following remarks in Committee of the Whole. It may be added, however, that his representations were unheeded, and that the Fourteenth Amendment, in so far as respects the right of representation, has not been carried out in a single instance.

MR. CHAIRMAN, — The language of this Amendment seems to me unfortunately chosen, and I do not believe that those who put it into the Constitution saw, at the time, the full scope and extent of its meaning. It was intended to declare, simply, that in any State where suffrage was denied or abridged on account of race, color, or previous condition of servitude, representation should be diminished in the ratio that

the number of male citizens, twenty-one years of age and upwards, to whom it was denied, bore to the total number of such citizens in the State. And that was a wise and just proposition. But I believe that when the article was pending in Congress, some one suggested, in the spirit of a similar criticism made by Madison in the Constitutional Convention of 1787, that the word "servitude" or "slavery" ought not to be named in the Constitution as existing, or as exercising any influence on the suffrage; and hence the negative form was adopted to avoid the use of an unpleasant word. But in adopting the negative form, with a view to the exclusion of only two classes, they did, as a matter of fact, exclude many classes who were manifestly not in the minds of the authors of the Amendment at the time. Thus they made the back of the blade as sharp as the edge. The whole case is a striking illustration of the danger of attempting to reach an object indirectly, when there is a direct road which leads to the same end.

But, Mr. Chairman, the Constitution is here, in the words that have been quoted several times during this debate. Can we obey its requirements? If so, how? Or shall we neglect them? The gentleman from Pennsylvania [1] says we may neglect it, because the Constitution does not execute itself, and Congress made no law to provide for taking the statistics necessary for its execution. I wish to call that gentleman's attention to a matter of history, which, I think, will answer his argument.

The House of Representatives passed, at the beginning of the last Congress, a very elaborate bill, in which the carrying out of this specific clause of the Fourteenth Amendment was provided for, and the method prescribed by which the statistics called for under the clause should be obtained. That bill passed the House after eleven days' debate, but the Senate came to the conclusion that the old law for taking the census, the law of 1850, was good enough, and the committee which had charge of the subject reported, on the 7th of February, 1870, a bill as a substitute for the House bill, in these words: "That the Secretary of the Interior be directed so to change the schedules and blanks to be used in enumerating the inhabitants of the United States in 1870, as to make the same conform to the Constitution of the United States."

These words were proposed as a substitute for the House bill

[1] Mr. Mercur.

of some thirty or forty pages. After a long debate it was declared by Senators that this substitute was unnecessary; not that, as my friend from Pennsylvania affirms, the Constitution would not execute itself, but that it would be the duty of the Secretary of the Interior to make his schedules conform to the changes in the organic law without any new act of Congress. This view was discussed, and I have before me the speech of the Senator who had charge of the bill. That Senator expressed the opinion that no legislation was necessary, and that the Secretary of the Interior must consider the amendments to the Constitution as a part of the law which should guide him in his work. The Senate agreed to this view, and by an overwhelming vote laid both the bill of the House and the Senate substitute on the table. That substitute, as I have already shown, required the Secretary of the Interior to change the schedules and make them conform to the Constitution. We thus had from the Senate a solemn declaration that in their judgment no legislation was needed, and that the Secretary of the Interior must give such instructions, and must make such changes in the schedules, as the amendments to the Constitution required.

MR. WILLARD. I desire to ask the gentleman from Ohio, who was acting chairman of the Committee on the Census, if, in his judgment, the present census, as it is now in the office of the Secretary of the Interior, does not contain facts which will enable the House to make the apportionment in obedience to the requirements of the Constitutional Amendment? Georgia, for instance, requires a tax to be paid by all persons over twenty-two years of age. Now, the census will show how many male persons over twenty-two years of age there are in Georgia. A fair construction will bring that case under the Amendment. Will not the census show the fact? and may we not get at the basis of apportionment there by deducting that number?

I shall come to that in a moment, if my friend will allow me. If gentlemen have been following my remarks, they will see that the Secretary of the Interior, by this vote of the Senate, considered himself instructed as to his duties in the premises. Now, what did the Secretary proceed to do? The gentleman from Pennsylvania says that the law and schedules of 1850 were his only law, and that he had no right to change them. I call his attention to the fact that the Secretary of the Interior actually dropped out of the census of 1870 a whole schedule which stands in the law of 1850, which, according to the

gentleman's view, was the only law that the Secretary had. How could he drop one of the six schedules of the law under which he was acting? I answer, for the manifest reason that that schedule required him to take a census of slaves, and to collect special statistics in reference to slaves. But by the Thirteenth Amendment slavery had been abolished, and he was bound to take notice of the fact and govern himself accordingly. He did very properly drop that schedule. Now, if he took cognizance of that fact, he was equally bound to take cognizance of the further fact that the basis of representation had been changed by the Fourteenth Amendment, and he was bound to conform his schedule to this change. That he proceeded to do; and how? He knew that the House Committee on the Ninth Census had examined this subject, and reported a method of taking the census, so as to meet the demands of the Fourteenth Amendment as far as practicable. In their report that committee say: —

"After much reflection, the committee could devise no better way than to add to the family schedule a column for recording those who are voters, and another with this heading, copied substantially from the Amendment: 'Citizens of the United States, being twenty-one years of age, whose right to vote is denied or abridged on other grounds than rebellion or crime.' It may be objected that this will allow the citizen to be a judge of the law as well as the fact, and that it will be difficult to get true and accurate answers. We can only say this is the best method that has been suggested." [1]

The Secretary of the Interior adopted these suggestions as being, in his judgment, the best method that he could take to carry out this clause of the Constitution. Those two columns, as my friend from Pennsylvania has said, are numbered nineteen and twenty in the Population Schedule which was used by the marshals throughout the country. The Secretary of the Interior, therefore, considering himself instructed by the Constitutional Amendment, took this method to get the required proportion from which to find the representative population of the United States. He has given us the result in the table now before us. The Secretary says, officially, that the result is not satisfactory nor trustworthy. I presume this is so, for the machinery of the old law was wholly inadequate to such work. But, correct or incorrect, this table is the only result we have

[1] House of Representatives Report No. 3, January 18, 1870, p. 53.

or can get. The original idea of the census was for the very purpose of basing the representation of the country on its results. The purpose, and the only purpose, for which a census was authorized by the Constitution, was to apportion representatives and direct taxes among the people.

Now we have the results as ascertained under the Constitution and laws, and, however imperfect they may be in the judgment of any gentleman, they form our only basis of apportionment. In my judgment, we are bound to do one of two things: either to refuse to obey the Fourteenth Amendment according to the results obtained, or take the results as they come and make them the basis of apportioning representation. Now, in a table which I have received from the Census Bureau, the reductions have been made from the total populations of each State, according to the proportion of their disfranchised persons. This table gives the following information for each of the States: Total population; Male citizens of the United States, twenty-one years of age and upwards; Male citizens twenty-one years of age and upwards whose right to vote is abridged for other causes than rebellion or other crime; Representative population, etc. These are the totals under the above heads, following the same order: 38,113,253; 8,314,805; 40,380; 37,928,329.

I do not see that we have any choice. This is an official report, the report of the only tribunal that the Constitution knows in connection with this subject. If that tribunal is wrong, I will not say that we may not in any way revise it; for we could order the census of any State taken over again. But if we apportion the representatives this winter, and obey the Constitution, we cannot go outside this report upon any unofficial statistics that any individual may present, however correct such statistics may be. It seems to me that we are bound to take this report into account; and I hope this work will compel future Congresses to provide some more efficient mode for taking those statistics.

APPENDIX.

I.

LETTER TO MAJOR-GENERAL ROSECRANS.

[The copy here followed is the original, found in the files of the War Department.]

THROUGH the winter and spring of 1863, the Army of the Cumberland, Major-General W. S. Rosecrans commanding, had its headquarters at Murfreesborough, Tennessee. The President and the war authorities early in the spring became very anxious that the General should move against the enemy. General Garfield, who was Rosecrans's Chief of Staff, added his urgency to the urgency of the authorities at Washington. Rosecrans said he was not ready, and insisted that a forward movement would be hazardous. Finally, June 8, he sent a circular letter to the leading generals of the army calling for their views. When the replies were in, General Garfield summarized them, and stated his own views in the following letter: —

HEADQUARTERS, DEPARTMENT OF THE CUMBERLAND,
Murfreesborough, June 12, 1863.

GENERAL, — In your confidential letter of the 8th instant to the corps and division commanders and generals of cavalry of this army, there were substantially five questions propounded for their consideration and answer, viz.: —

1. Has the enemy in our front been materially weakened by detachments to Johnston or elsewhere?

2. Can this army advance on him at this time with strong reasonable chances of fighting a great and successful battle?

3. Do you think an advance of our army at present likely to prevent additional reinforcements being sent against General Grant by the enemy in our front?

4. Do you think an *immediate* advance of this army advisable?

5. Do you think an *early* advance advisable?

Many of the answers to these questions are not categorical, and cannot be clearly set down either as affirmative or negative. Especially in answer to the first question there is much indefiniteness, resulting

from the difference of judgment as to how great a detachment could be considered a "material reduction" of Bragg's strength. For example, one officer thinks it has been reduced ten thousand, but not "materially weakened." The answers to the second question are modified in some instances by the opinion that the Rebels will fall back behind the Tennessee River, and thus no battle can be fought, either successful or unsuccessful. So far as these opinions can be stated in tabular form, they will stand thus: —

	Yes.	No.
Answers to first question	6	11
Answers to second question	2	11
Answers to third question	4	10
Answers to fourth question	0	15
Answers to fifth question	0	2

On the fifth question, three gave it as their opinion that this army ought to advance as soon as Vicksburg falls, should that event happen. The following is a summary of the reasons assigned why we should not at this time advance upon the enemy: —

1. With Hooker's army defeated, and Grant's bending all its energies in a yet undecided struggle, it is bad policy to risk our only reserve army to the chances of a general engagement. A failure here would have most disastrous effects on our lines of communication, and on politics in the loyal States.

2. We should be compelled to fight the enemy on his own ground, or follow him in a fruitless stern chase; or if we attempted to outflank him or turn his position, we should expose our line of communication and run the risk of being pushed back into a rough country, well known to the enemy and little known to ourselves.

3. In case the enemy should fall back without accepting battle, he could make our advance very slow, and with a comparatively small force posted in the gaps of the mountains could hold us back while he crossed the Tennessee River, where he would be measurably secure and free to send reinforcements to Johnston. His forces in East Tennessee could seriously harass our left flank, and constantly disturb our communications.

4. The withdrawal of Burnside's Ninth Army Corps deprives us of an important reserve and flank protection, thus increasing the difficulty of an advance.

5. General Hurlburt has sent the most of his forces away to General Grant, thus leaving West Tennessee uncovered, and laying our right flank and rear open to raids of the enemy.

The following incidental opinions are expressed: —

1. One officer thinks it probable that the enemy has been strengthened rather than weakened, and that *he* (the enemy) would have a reasonable prospect of victory in a general battle.

2. One officer believes the result of a general battle would be doubtful, a victory barren, and a defeat most disastrous.

3. Three officers believe that an advance would bring on a general engagement. Three others believe it would not.

4. Two officers express the opinion that the chances of success in a general battle are nearly equal.

5. One officer expresses the belief that our army has reached its maximum strength and efficiency, and that inactivity would seriously impair its effectiveness.

6. Two officers say that an increase of our cavalry by about six thousand men would materially change the aspect of our affairs and give us a decided advantage.

In addition to the above summary, I have the honor to submit an estimate of the strength of Bragg's army, gathered from all the data I have been able to obtain, including the estimate of the General Commanding in his official report of the battle of Stone River, and facts gathered from prisoners, deserters, scouts, and refugees, and from Rebel newspapers. After the battle he (Bragg) consolidated many of his decimated regiments and irregular organizations, and at the time of his sending reinforcements to Johnston his army had reached its greatest effective strength. It consisted of five divisions of infantry, composed of ninety-four regiments and two independent battalions of sharp-shooters; say ninety-five regiments. By a law of the Confederate Congress, regiments are consolidated when their effective strength falls below two hundred and fifty men. Even the regiments formed by such consolidation (which may reasonably be regarded as the fullest) must fall below five hundred men. I am satisfied that four hundred is a large estimate of the average strength.

The force would then be: —

Infantry, 95 regiments, 400 each	38,000
Cavalry, 35 regiments, say 500 each	17,500
Artillery, 26 batteries, say 100 each	2,600
Total	58,100

This force has been reduced by detachments to Johnston. It is as well known as we can ever expect to ascertain such facts, that three brigades have gone from McCown's division, and two or three from Breckinridge's, say two. It is clear that there are now but four infantry divisions in Bragg's army, the fourth being composed of fragments of McCown's and Breckinridge's divisions, and must be much smaller than the average. Deducting the five brigades, and supposing them composed of only four regiments each, which is below the general average, it gives an infantry reduction of twenty regiments, four hundred each, or 8,000, leaving a remainder of 30,000.

It is clearly ascertained that at least two brigades of cavalry have been sent from Van Dorn's command to Mississippi, and it is asserted in the Chattanooga Rebel of June 11th that General Morgan's command has been permanently detached and sent to Eastern Kentucky. It is not certainly known how large his division is, but it is known to contain at least two brigades. Taking this minimum as the fact, we have a cavalry reduction of four brigades.

Taking the lowest estimate, four regiments to the brigade, we have a reduction by detachment of sixteen regiments, five hundred each, or 8,000, leaving his present effective cavalry force 9,500. With the nine brigades of the two armies thus detached it will be safe to say there have gone: —

6 batteries, 80 men each	480
Leaving him 20 batteries	2,120
Making a total reduction of	16,480
And leaving of the three arms a total of	41,680

In this estimate of Bragg's present strength I have placed all doubts in his favor, and I have no doubt that my estimate is considerably beyond the truth. General Sheridan, who has taken great pains to collect evidence on this point, places it considerably below these figures. But assuming these to be correct, and granting what is still more improbable, that Bragg would abandon all his rear posts and entirely neglect his communications, and could bring his last man into battle, I next ask, What have we with which to oppose him?

The last official report of effective strength, now on file in the office of the Assistant Adjutant-General, is dated June 11th instant, and shows that we have in this department, omitting all officers and enlisted men attached to department, corps, division, and brigade headquarters: —

1. Infantry. One hundred and seventy-three regiments; ten battalions sharp-shooters; four battalions pioneers; and one regiment of engineers and mechanics; with a total effective strength of 70,918.

2. Cavalry. Twenty-seven regiments and one unattached company; 11,813.

3. Artillery. Forty-seven and a half batteries field artillery, consisting of two hundred and ninety-two guns and 5,069 men, making a grand total of 87,800.

Or, leaving out all commissioned officers, this army represents 82,767 bayonets and sabres.

This report does not include the Fifth Iowa Cavalry, six hundred strong, lately armed; nor the First Wisconsin Cavalry; nor Coburn's brigade of infantry now arming; nor the 2,394 convalescents now on light duty in Fortress Rosecrans.

There are detached from this force as follows: —

At Gallatin	969
At Carthage	1,149
At Fort Donelson	1,485
At Clarksville	1,138
At Nashville	7,292
At Franklin	900
At Lavergne	2,117
Total	15,050

With these posts as they are, and leaving 2,500 efficient men in addition to the 2,394 convalescents to hold the works in this place, there will be left 65,217 bayonets and sabres to throw against Bragg's 41,680.

I beg leave also to submit the following considerations: —

1. Bragg's army is now weaker than it has been since the battle of Stone River, or is likely to be again for the present, while our army has reached its maximum strength, and we have no right to expect further reinforcements for several months, if at all.

2. Whatever be the result at Vicksburg, the determination of its fate will give large reinforcements to Bragg. If Grant is successful, his army will require many weeks to recover from the shock and strain of his late campaign, while Johnston will send back to Bragg a force sufficient to insure the safety of Tennessee. If Grant fails, the same result will inevitably follow, so far as Bragg's army is concerned.

3. No man can predict with certainty the result of any battle, however great the disparity of numbers. Such results are in the hand of God. But, viewing the question in the light of human calculation, I refuse to entertain a doubt that this army, which in January last defeated Bragg's superior numbers, can overwhelm his present greatly inferior forces.

4. The most unfavorable course for us that Bragg could take would be to fall back without giving us battle; but this would be very disastrous to him. Besides the loss of *matériel* of war, and the abandonment of the rich and abundant harvest now nearly ripe in Central Tennessee, he would lose heavily by desertion. It is well known that a wide-spread dissatisfaction exists among his Kentucky and Tennessee troops. They are already deserting in large numbers. A retreat would greatly increase both the desire and the opportunity for desertion, and would very materially reduce his physical and moral strength. While it would lengthen our communications, it would give us possession of McMinnville, and enable us to threaten Chattanooga and East Tennessee; and it would not be unreasonable to expect an early occupation of the former place.

5. But the chances are more than even that a sudden and rapid movement would compel a general engagement, and the defeat of Bragg would be in the highest degree disastrous to the Rebellion.

6. The turbulent aspect of politics in the loyal States renders a decisive blow against the enemy at this time of the highest importance to the success of the government at the polls, and in the enforcement of the Conscription Act.

7. The government and the War Department believe that this army ought to move upon the enemy. The army desires it, and the country is anxiously hoping for it.

8. Our true objective point is the Rebel army, whose last reserves are substantially in the field, and an effective blow will crush the shell, and soon be followed by the collapse of the Rebel government.

9. You have, in my judgment, wisely delayed a general movement hitherto, till your army could be massed, and your cavalry could be mounted. Your mobile forces can now be concentrated in twenty-four hours, and your cavalry, if not equal in numerical strength to that of the enemy, is greatly superior in efficiency and *morale*.

For these reasons I believe an immediate advance of all our available forces is desirable, and, under the providence of God, will be successful.

Very respectfully, your obedient servant,

[Signed,] J. A. GARFIELD,
Brigadier-General, Chief of Staff.

MAJOR-GENERAL ROSECRANS, *Commanding Department of the Cumberland.*

II.

LETTER TO SECRETARY CHASE.

[The following letter was published by Mr. J. W. Schuckers, June 12, 1882, in the New York Sun.]

(Confidential.)

HEADQUARTERS, DEPARTMENT OF THE CUMBERLAND,
Nashville, July 27, 1863.

MY DEAR GOVERNOR, — I have for a long time wanted to write to you, not only to acknowledge your last kind letter, but also to say some things confidentially on the movements in this department; but I have refrained hitherto lest I do injustice to a good man, and say to you things which were better left unsaid. We have now, however, reached a point upon which I feel it proper, and also due to that kind opinion which I believe you have had of me, to acquaint you with the condition of affairs here.

I cannot conceal from you the fact, that I have been greatly tried and

dissatisfied with the slow progress that we have made in this department since the battle of Stone River. I will say in the outset that it would be in the highest degree unjust to say that the one hundred and sixty-two days which elapsed between the battle of Stone River and the next advance of this army were spent in idleness or trifling. During that period was performed the enormous and highly important labor which made the Army of the Cumberland what it is, — in many respects by far the best the country has ever known. But for many weeks prior to our late movement I could not but feel that there was not that live and earnest determination to fling the great weight of this army into the scale and make its power felt in crushing the shell of the Rebellion. I have no words to tell you with how restive and unsatisfied a spirit I waited and pleaded for striking a sturdy blow. I could not justly say we were in any proper condition to advance till the early days of May. At that time the strings began to draw sharply upon the Rebels, both on the Mississippi and in the East. They began to fear for the safety of Vicksburg, and before the middle of May they began quietly to draw away forces to aid Pemberton. I pleaded for an advance, but not till June began did General Rosecrans begin seriously to meditate an immediate movement. The army had grown anxious, with the exception of its leading generals, who seemed blind to the advantages of the hour. In the first week of the month a council of war was called, and out of eighteen generals whose opinion was asked, seventeen were opposed to an advance. I was the only one who urged upon the General the imperative necessity of striking a blow at once, while Bragg was weaker and we stronger than ever before. I wrote a careful review of the opinions of the generals, and exhibited the facts, gathered from ample data, that we could throw 65,000 bayonets and sabres against Bragg's 41,000, allowing the most liberal estimates of his force. This paper was drawn up on the 8th [12th] of June. After its presentation, and a full canvassing of the situation, an advance was agreed upon, but it was delayed through days which seemed months to me till the 24th, when it was begun, and ended with what results you know. The wisdom of the movement was not only vindicated, but the seventeen dissenting generals were compelled to confess that if the movement had been made ten days earlier, while the weather was propitious, the army of Bragg would, in all human probability, no longer exist. I shall never cease to regret the sad delay which lost us so great an opportunity to inflict a mortal blow upon the centre of the Rebellion.

The work of expelling Bragg from Middle Tennessee occupied nine days, and ended July 3d, leaving his troops in a most disheartened and demoralized condition, while our army, with a loss of less than one thousand men, was in a few days fuller of potential fight than ever before. On the 18th instant the bridges were rebuilt, and the cars were in full communication from the Cumberland to the Tennessee.

I have since then urged, with all the earnestness I possess, a rapid advance, while Bragg's army was shattered and under cover, and before Johnston and he could effect a junction. Thus far the General has been singularly disinclined to grasp the situation with a strong hand, and make the advantage his own.

I write this with more sorrow than I can tell you, for I love every bone in his body, and next to my desire to see the Rebellion blasted is my anxiety to see him blessed. But even the breadth of my love is not sufficient to cover this almost fatal delay. My personal relations with General Rosecrans are all that I could desire. Officially I share his counsels and responsibilities, even more than I desire; but I beg you to know that this delay is against my judgment and my every wish.

Pleasant as are my relations here, I would rather command a battalion that would follow and follow, and strike and strike, than to hang back while such golden moments are passing. But the General and myself believe that I can do more service in my present place than in command of a division, though I am aware that it is a position that promises better in the way of promotion or popular credit. But if this inaction continues long, I shall ask to be relieved, and sent somewhere where I can be part of a working army. But I do hope that you will soon hear that this splendid army is at least trying to do its part in the great work. If the War Department has not always been just, it has certainly been very indulgent to this army. But I feel that the time has now come when it should allow no plea to keep this army back from the most vigorous activity.

I do hope that no hopes of peace or submissive terms on the part of the Rebels will lead the government to delay the draft and the vigorous prosecution of the war. "Timeo Danaos et dona ferentes." Let the nation now display the majesty of its power, and the work will be speedily ended.

I hope you will pardon this lengthy letter, but I wanted you to know how the case stands, and I was unwilling to have you think me satisfied with the delays here.

With kindest regards I am, as ever, your friend,

JAMES A. GARFIELD.

HON. S. P. CHASE.

III.

REMARKS ON GENERAL ROSECRANS.

MADE IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 17, 1879,

WITH A HISTORY OF THE ATTENDANT PROCEEDINGS.

ON the 2d of February, 1864, the Senate adopted a Joint Resolution thanking Major-General George H. Thomas and the officers and men who fought under his command at the battle of Chickamauga, September 19 and 20, 1863, for their gallantry, good conduct, and soldier-like endurance. The resolution went to the House the same day, where it was reached in due course of business, February 17, 1864. This is the official record of the day's proceedings, so far as this question is concerned : —

"Joint Resolution (Senate No. 11) of thanks to Major-General George H. Thomas and the officers and men who fought under his command at the battle of Chickamauga, was the next business taken from the Speaker's table and read a first and second time.

"MR. GARFIELD. Is it in order to move an amendment to that resolution?

"THE SPEAKER. It is.

"MR. GARFIELD. Then I move to amend by inserting the name of Major-General W. S. Rosecrans before that of General Thomas, so that it will read, 'to Major-General W. S. Rosecrans and Major-General George H. Thomas, and to the officers and men under them.'

"MR. WILSON. I believe that this House has already passed a joint resolution of thanks to General Rosecrans.

"MR. GARFIELD. The gentleman is mistaken.

"MR. STEVENS. We had better wait and have a separate resolution for General Rosecrans.

"MR. FARNSWORTH. So I think. I believe that these resolutions ought to stand each by itself. This is a special resolution of thanks to the officers and men who fought the battle of Chickamauga, and I am not prepared, with the information I have in regard to that battle, to vote for or against a resolution of thanks to Major-General Rosecrans. At all events, it seems to me that each resolution should be acted on separately."

Mr. Garfield now took the floor, and made the following remarks. The further history of the resolution should, however, be given.

MR. FENTON. I move that the Joint Resolution be referred to the Committee on Military Affairs; and upon that motion I demand the previous question.

The previous question was seconded, and the main question ordered, and under the operation thereof the motion to refer was agreed to.

March 9th, Mr. Garfield, from the Committee on Military Affairs, reported back Senate Joint Resolution No. 11, giving the thanks of Congress

to Major-General George H. Thomas, and the officers and men who fought under his command at the battle of Chickamauga, with an amendment, and with the recommendation that as amended the resolution do pass.

The amendment inserts before the name of Major-General Thomas the name of Major-General William S. Rosecrans, and includes also the officers and men who fought under his command in the same battle, on the 19th and 20th of September, 1863.

The amendment was agreed to.

The Joint Resolution, as amended, was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. Garfield moved to amend the title, so as to make it read as follows: "Joint Resolution of thanks to Major-General William S. Rosecrans and Major-General George H. Thomas, and the officers and men who fought under their commands at the battle of Chickamauga."

The amendment and title was agreed to. The resolution as now amended went back to the Senate.

March 10th, the Senate proceeded to consider the House amendments. It was ordered that the amendments be referred to the Committee on Military Affairs and the Militia. The resolution here slept the sleep of death: at least the Index to the Globe gives no further trace of it, and it undoubtedly fell.

MR. SPEAKER, — I regret that this resolution has come before the House of Representatives as it is now presented. I had hoped I should not be compelled to refer publicly to the matters involved in it, and before I speak to the merits of the resolution itself I must be indulged in the expression of my opinion in regard to the custom which is growing up in this body in reference to this class of resolutions. The practice of this House, during the brief period in which I have been a member, has led me to fear that the thanks of the Congress of the United States are becoming too cheap an article in the eulogistic literature of the world. Time was when a man must stand grandly pre-eminent in the estimation and affection of the American people to receive in the solemn forms of law the thanks of the nation, through its representatives in Congress assembled. To merit that was worth a lifetime of sacrifice and heroism. We have changed this worthy custom. Since this session began, many resolutions of thanks have been passed without being referred to the appropriate committees, without remarks, and almost without notice. They have been passed tacitly by a kind of common consent. We have not only thanked officers who were chiefs of armies, but also those who held subordinate positions in the various armies of the republic. No question has been asked whether the officer was entitled to this distinction, or whether, by thanking one, another was not robbed of his merited honor. I repeat that I have seen these things with a feeling that we are cheapening the thanks of Congress by distributing them without discrimination and without question. I have been so willing to thank any man

who has served the country in this war that I have not felt disposed to interpose objection.

In many of the instances referred to I have had no knowledge of the merits of the case. But when it comes so close to my own experience and knowledge of the history of the war, I cannot permit a resolution of this kind to pass without my protest against this hasty and thoughtless style of legislation. I have been surprised that the honorable members of this House should treat so lightly the matters involved in thanking the public servants of the nation. I now appeal to your sense of justice whether it be right to single out a subordinate officer, give him the thanks of Congess, and pass his chief in silence. On what grounds are you now ready to ignore the man who has won so many of the proudest victories? I do not believe that such is the purpose or wish of this House.

This resolution proposes to thank Major-General Thomas and the officers and men under his command for gallant services in the battle of Chickamauga. It meets my hearty approval for what it contains, but my protest for what it does not contain. I should be recreant to my own sense of justice did I allow this omission to pass without notice. No man here is ready to say — and if there be such a man I am ready to meet him — that the thanks of this Congress are not due to Major-General W. S. Rosecrans for the campaign which culminated in the battle of Chickamauga. It is not uncommon throughout the press of the country, and among many people, to speak of that battle as a disaster to the army of the United States, and to treat of it as a defeat. If that battle was a defeat, we may welcome a hundred such defeats. I should be glad if each of our armies would repeat Chickamauga. Twenty such would destroy the Rebel army and the Confederacy utterly and forever.

What was that battle, terminating as it did a great campaign whose object was to drive the Rebel army beyond the Tennessee, and to obtain a foothold on the south bank of that river which should form the basis of future operations in the Gulf States? We had never yet crossed that river, except far below, in the neighborhood of Corinth. Chattanooga was the gateway of the Cumberland Mountains, and until we crossed the river and held the gateway we could not commence operations in Georgia. The army was ordered to cross the river, to grasp and hold the key of the Cumberland Mountains. It did cross, in the face of superior numbers; and after two days of fighting, more terrible, I believe, than any since this war began, the Army of the Cumberland hurled back, discomfited and repulsed, the combined power of three Rebel armies, gained the key to the Cumberland Mountains, gained Chattanooga, and held it against every assault. If there has been a more substantial success against overwhelming odds since this war began, I have not heard of it.

We have had victories — God be thanked! — all along the line; but

in the history of this war I know of no such battle against such numbers, — 40,000 against an army of not less by a man than 75,000. After the disaster to the right wing on the bloody afternoon of September 20th, 25,000 men of the Army of the Cumberland stood and met 75,000 hurled against them; and they stood in their bloody tracks immovable and victorious when night threw its mantle around them. They had repelled the last assault of the Rebel army. Who commanded the Army of the Cumberland? Who organized, disciplined, and led it? Who planned its campaigns? The general whose name is omitted in this resolution, — Major-General W. S. Rosecrans.

And who is this General Rosecrans? The history of the country tells you, and your children know it by heart. It is he who fought battles and won victories in Western Virginia under the shadow of another's name. When the poetic pretender claimed the honor and received the reward as the author of Virgil's stanza in praise of Cæsar, the great Mantuan wrote on the walls of the imperial palace, "Hos ego versiculos feci, tulit alter honores." So might the hero of Rich Mountain say, "I won this battle, but another has worn the laurels."

From Western Virginia he went to Mississippi, and there won the battles of Iuka and Corinth, which have aided materially to exalt the fame of that general upon whom this House has been in such haste to confer the proud rank of Lieutenant-General of the Army of the United States, but who was not upon either of those battle-fields.

Who took command of the Army of the Cumberland, found that army at Bowling Green, in November, 1862, as it lay disorganized, disheartened, driven back from Alabama and Tennessee, and led it to the Cumberland, planted it in Nashville, and thence, on the first day of the new year, planted his banners at Murfreesborough "in torrents of blood," and, in the moment of our extremest peril, throwing himself into the breach, saved by his personal valor the Army of the Cumberland and the hopes of the republic? It was General Rosecrans. From the day he assumed the command at Bowling Green the history of that army may be written in one sentence, — it advanced and maintained its advanced position, and its last campaign under the general it loved was the bloodiest and most brilliant. The fruits of Chickamauga were gathered in November on the heights of Mission Ridge and among the clouds of Lookout Mountain. That battle at Chickamauga was a glorious one, and every loyal heart responded to it. But, sir, it was won when we had nearly three times the number of the enemy. It ought to have been won. Thank God that it was won. I would take no laurel from the brow of the man who won it, but I would remind gentlemen here, that, while the battle of Chattanooga was fought with vastly superior numbers on our part, the battle of Chickamauga was fought with still vaster superiority against us.

If there is any man upon earth whom I honor, it is the man who is named in this resolution, General George H. Thomas. I had occasion in my remarks on the Conscription Bill, a few days ago, to refer to him in such terms as I delighted to use; and I say to gentlemen here, that, if there is any man whose heart would be hurt by the passage of this resolution as it now stands, that man is General George H. Thomas. I know, and all know, that he deserves well of his country, and his name ought to be recorded in letters of gold; but I know equally well that General Rosecrans deserves well of his country. I ask you, then, not to pain the heart of a noble man, who will be burdened with the weight of these thanks that wrong his brother officer and his superior in command. All I ask is that you will put both names into the resolution and let them stand side by side.

END OF VOL. I.

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